



भारत का राजपत्र

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नई दिल्ली, मार्च 22—मार्च 28, 2015, शनिवार/चैत्र 1—चैत्र 7, 1937

No. 13]

NEW DELHI, MARCH 22—MARCH 28, 2015, SATURDAY/CHAITRA 1—CHAITRA 7, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृष्ठक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 13 मार्च, 2015

का.आ. 568.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष 2014-15 और इसके आगे से संगठन भारतीय प्रौद्योगिकी संस्थान (बी एच यू), वाराणसी (पैन-एएजेआई 0396 आ) को निम्नलिखित शर्तों के अधीन अनुसंधान कार्यकलापों में लगा “विश्वविद्यालय कालेज तथा अन्य संस्थान” की श्रेणी में अनुमोदित किया गया है, अर्थात्:—

(i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;

- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठनः—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग बही खाता नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं 22/2015/फा०सं 203/07/2014-आ०क०नि०-II]
ऋचा रस्तोगी, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 13th March, 2015

S.O. 568.—It is hereby notified for general information that the organization Indian Institute of Technology (BHU), Varanasi (PAN-AAAJI 0396R) has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment year 2014-2015 and onwards in the category of "University College and other Institution", engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and

furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;

- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of accounts as referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report as referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research as referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 22/2015/F. No. 203/07/2014-ITA-II]

RICHA RASTOGI, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 569.—बैंककारी विनियमन अधिनियम, 1949 की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, यह निर्दिष्ट करती है कि बैंककारी विनियमन अधिनियम, 1949 की धारा 15 की उप-धारा (1), अनुसूचित वाणिज्यिक बैंकों पर लागू नहीं होगी, जहां तक इसका संबंध भारतीय रिजर्व बैंक के 26 फरवरी, 2014 के परिपत्र डीबीओडी बीपीबीसी सं 98/21.04.132/2013-14 के द्वारा दी गई अनुमति के अनुसार वित्तीय आस्तियों का प्रतिभूतिकरण एवं पुनर्गठन तथा प्रतिभूति हित का प्रवर्तन अधिनियम, 2002 के उपबंधों के अंतर्गत पंजीकृत प्रतिभूति कंपनियों/पुनर्संरचना कंपनियों को 26 फरवरी, 2014 से 31 मार्च, 2015 तक बेची गई अनर्जक आस्तियों (जहां विक्रय प्रतिफल निवल अंकित

मूल्य से कम हो) के विक्रय से हुई किसी कमी के कारण दो वर्ष की ऋण परिशोधन अवधि का संबंध है।

[फार्सं 13/2/2010-बीओए]

आनंदराव विं पाटील, निदेशक

New Delhi, the 25th March, 2015

S.O. 569.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949, the Central Government, on the recommendation of the Reserve bank of India, specified that sub-section (1) of Section 15 of the Banking Regulation Act, 1949 shall not apply to scheduled commercial banks in so far as the amortization over a period of two years of any shortfall arising out of sale of non-performing assets sold from February 26, 2014 to March 31, 2015 (where the sale consideration is lower than the net book value) to Securitization Companies/Reconstruction Companies, registered under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, as permitted by the Reserve Bank of India *vide* its Circular DBOD.B.P. BC. No 98/21.04.132/2013-14 dated February 26, 2014.

[F.No. 13/2/2010-BOA]

ANANDRAO V. PATIL, Director

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 23 मार्च, 2015

का.आ. 570.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 उपनियम (4) के अनुसरण में वाणिज्य विभाग के अधीन निम्नलिखित कार्यालयों को अधिसूचित करती है, जिसके 80 प्रतिशत से अधिक कर्मचारीवृद्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है:—

- (1) निर्यात निरीक्षण अभिकरण—कोच्ची उप-कार्यालय-कोल्लम, सिनेस कॉम्प्लेक्स तीसरी मंजिल, चमकाडा, कोल्लम - 691001।
- (2) निर्यात निरीक्षण अभिकरण—चेन्नई, छठा तल, सीएमडीए टावर-II, गांधी इरविन रोड, एग्मोर, चेन्नई-600008।
- (3) निर्यात निरीक्षण अभिकरण—चेन्नई, उप कार्यालय-तूतीकोरिन, सं. 328 साउथ काटन रोड, तूतीकोरिन - 628001।
- (4) निर्यात निरीक्षण अभिकरण—चेन्नई उप कार्यालय-भीमावरम, जे पी रोड, डी नं. 27-14-13/1, बिसाइड पदमालया थियेटर, भीमावरम-534202, वेस्ट गोदावरी डिस्ट।

- (5) निर्यात निरीक्षण अभिकरण—मुम्बई उप कार्यालय - अहमदाबाद 305, मल्टी परपज स्पोर्ट्ज कॉम्प्लेक्स (न्यू क्लास्ट मार्केट के सामने), रायपुर, अहमदाबाद - 380002, गुजरात।
- (6) संयुक्त महानिदेशक, विदेश व्यापार का कार्यालय, गोकुलम, कैलंडीबी बिल्डिंग पट्टम, तिरुवनंतपुरम-695004, केरल।
- (7) एमएमटीसी, अखिंत टावर्स II, सांगानेरी गेट टेलीफोन एक्सचेंज के सामने, आगरा रोड, जयपुर-302003।

[फार्सं ई-11013/1/2004-हिंदी]

सुधांशु पांडेय, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 23rd March, 2015

S.O. 570.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official purposes of the union) Rules, 1976, the Central Govt. hereby notifies the following offices under Departments of Commerce, whereof more than 80% staff have acquired a working knowledge of Hindi:—

- (1) Export Inspection Agency—Kochi, Sub-Office, Kollam, Shines Complex, 3rd Floor, Chamkada, Kollam-691001.
- (2) Export Inspection Agency—Chennai, 6th floor, CMDA Tower-II, Gandhi Irwin Road, Egmore, Chennai-600008.
- (3) Export Inspection Agency—Chennai, Sub-Office-Tuticorin, No. 328, South Cotton Road, Tuticorin-628001.
- (4) Export Inspection Agency—Chennai, Sub-Office, Bheemavaram, JP Road, - D. No. 27-4-13/1, Beside Padmalaya Theatre, Bheemavaram-534202, West Godavari Distt.
- (5) Export Inspection Agency—Mumbai, Sub-Office-Ahmedabad, 305, Multi Purpose Sports Complex (Opposite new cloth market), Raipur, Ahmedabad-380002, Gujarat.
- (6) Office of Joint DGFT, Gokulam, KLDB Building, Pattam, Thiruanantapuram-695004, Kerala.
- (7) MMTC, Arihant Towers-II, Opposite Sanganeri Gate Telephone Exchange, Agra Road, Jaipur-302003.

[No. E-11013/1/2004-Hindi]

SUDHANSU PANDEY, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक व्यूरो)

नई दिल्ली, 23 मार्च, 2015

का.आ. 571.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद् द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गए मानक (कों) में संशोधन किया गया/गए हैं।

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	कॉलम के संशोधन की प्रतिस्थापन तिथि	कॉलम (3) में दर्शाये गए अनुसार वह जिस तिथि तक मानक बिना संशोधन के था लागू रहेगी
1	आई एस 299 : 2015 (पांचवां पुनरीक्षण)	संशोधन संख्या 1 फरवरी 2015	23 मार्च 2015	31 मई 2015

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरों, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली 110002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, नागपुर, पटना, पुणे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

दिनांक 23-3-2015

[संदर्भ : PUB/GN-1/E-V-II]

कला एम० वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)
(BUREAU OF INDIAN STANDARDS)

New Delhi, the 23rd March, 2015

S.O. 571.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s), particulars of which are given in the Schedule hereto annexed have been issued:

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date of Establishment of the Amendment at column (3)	Date till which the Standard without amendment as mentioned at Column (3) shall remain in force
(1)	(2)	(3)	(4)	(5)
1	IS 299: 2012 Alumino Ferric - Specification (Fifth Revision)	Amendment No. 1 February, 2015	23 March, 2015	31 May, 2015

Copy of these Amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad Jaipur, Nagpur, Patna, Pune, Kochi. On line purchase of Indian standard can be made at: <http://www.standardsbis.in>.

Dated 23-3-2015

[Ref: PUB/GN-1/E-V-II]

KALA M. VARIAR, Director (Foreign Languages and Publication)

नई दिल्ली, 23 मार्च, 2015

का.आ. 572.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद् द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	स्थापित तिथि	भारतीय मानक(कों) जो कि रद्द होने हैं, अगर हैं, की संख्या वर्ष और शीर्षक	रद्द होने की तिथि
(1)	(2)	(3)	(4)	(5)
1	आईएस 694 : 2010 एवं संशोधन सं 1 से 2 तक	26 नवम्बर 2014	IS 694 : 1990	01 सितम्बर 2015

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली 110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकता, चंडीगढ़, चेन्नई, मुंबई, तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा कोचि में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

दिनांक 23-3-2015

[संदर्भ : PUB/GN/694]

कला एम् वारियर, निदेशक (विदेशी भाषा एवं प्रकाशन)

New Delhi, the 23rd March, 2015

S.O. 572.—In pursuance of Clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby modifies the column (5) of notification dated 26/11/2014, the Indian Standards, particulars of which are given in the second column of Schedule hereto annexed has been established on the date indicated against it in third column. The particulars of the standards, if any, which are given in the fourth column shall also remain in force concurrently till they are cancelled on the date indicated against them in the fifth column.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	Date of Establishment	No. & Year of the Indian Standards to be cancelled, if any	Date of cancellation
(1)	(2)	(3)	(4)	(5)
1	IS 694: 2010 Polyvinyl Chloride Insulated Unsheathed and Sheathed Cables/Cords with Rigid and Flexible Conductor for Rated Voltages up to and Including 450/750 V (Fourth Revision) with Amendment Nos. 1 & 2	26 November 2014	IS 694 : 1990	01 September 2015

Copies of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Kochi.

Dated 23-3-2015

[Ref: PUB/GN/694]

KALA M. VARIAR, Director (Foreign Languages & Publication)

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 20 मार्च, 2015

का.आ. 573.—जबकि भारतीय चिकित्सा परिषद (संशोधन) अध्यादेश, 2013 की धारा 3क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 6 नवंबर, 2013 को भारतीय चिकित्सा परिषद का पुनर्गठन किया गया:

और जबकि केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में और संबंधित विश्वविद्यालयों/स्वास्थ्य विज्ञान विश्वविद्यालयों द्वारा यथा सूचित, निम्नलिखित व्यक्ति को इस अधिसूचना के जारी होने की तिथि से चार वर्षों के लिए भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में निर्वाचित किया गया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में केन्द्र सरकार द्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 के अधिसूचना संख्या का०आ० 138 में निम्नलिखित संशोधन किए जाते हैं, अर्थात्:—

भारत सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय की दिनांक 06 नवंबर, 2013 की अधिसूचना सं० का०आ० 3323 (अ) और उसके संशोधन में अंतिम प्रविष्टि तथा तत्संबंधी प्रविष्टि में निम्नलिखित को जोड़ा जाएगा, अर्थात्:—

क्र० सं०	राज्य सरकार का नाम	निर्वाचित सदस्य का विवरण
27.	मणिपुर	डॉ ओकराम ईबोमचा सिंह, निदेशक, स्वास्थ्य सेवाएं, मणिपुर

[सं. वी० 11013/1/2013-एम ई पी-I]

अमित बिश्वास, अवर सचिव

पाद टिप्पणी: दिनांक 9 जनवरी, 1960 के का०आ० 138 के तहत भारत के राजपत्र में मुख्य अधिसूचना प्रकाशित की गई थी और भारतीय आयुर्विज्ञान परिषद (संशोधन), द्वितीय अध्यादेश, 2013 (2013 का 11) के तहत अंतिम बार संशोधन किया गया था।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 20th March, 2015

S.O. 573.—Whereas on 6th November, 2013, the Medical Council of India was re-constituted in exercise of the powers conferred by sub-section (1) of section 3A of the Indian Medical Council (Amendment) Ordinance, 2013.

And Whereas the Central Government, in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the respective State Governments have nominated the following to be a member of the Medical Council of India for four years with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely:

In the notification of the Government of India in the Ministry of Health & Family Welfare number S.O. 3323(E) dated the 6th November, 2013 after the last entry and entry relating thereto, the following shall be inserted, namely:

S.No.	Name of the State Government	Details of the Nominated Member
27.	Manipur	Dr. Okram Ibomcha Singh, Director of Health Services, Manipur

[No. V.11013/1/2013-MEP-I]

AMIT BISWAS, Under Secy.

Foot Note: The principal notification was published in the Gazette of India *vide* number S.O. 138 dated the 9th January, 1960 and was last amended *vide* Indian Medical Council (Amendment) Second Ordinance, 2013 (11 of 2013).

नई दिल्ली, 20 मार्च, 2015

का.आ. 574.—जबकि भारतीय चिकित्सा परिषद (संशोधन) अध्यादेश, 2013 की धारा 3क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 6 नवंबर, 2013 को भारतीय चिकित्सा परिषद का पुनर्गठन किया गया:

और जबकि केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में और संबंधित विश्वविद्यालयों/स्वास्थ्य विज्ञान विश्वविद्यालयों द्वारा यथा सूचित, निम्नलिखित व्यक्ति को इस अधिसूचना के जारी होने की तिथि से चार वर्षों के लिए भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में निर्वाचित किया गया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में केन्द्र सरकार द्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 के अधिसूचना संख्या का०आ० 138 में निम्नलिखित संशोधन किए जाते हैं, अर्थात्:—

भारत सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय की दिनांक 6 नवंबर, 2013 की अधिसूचना सं का०आ० 3325(अ) और उसके संशोधन में अंतिम प्रविष्टि तथा तत्संबंधी प्रविष्टि में निम्नलिखित को जोड़ा जाएगा, अर्थात्:

क्र० सं०	विश्वविद्यालय का नाम	निर्वाचित सदस्य का विवरण	चुनाव का तरीका
41.	बी०एन० मंडल विश्वविद्यालय, मधेपुरा, बिहार	प्रो० अरुण कुमार अग्रवाल, एम० सी०ए० (न्यूरो सर्जरी), कटिहार मेडिकल कॉलेज, कटिहार, बिहार	विश्वविद्यालय की सीनेट के सदस्यों द्वारा निर्वाचित
42.	अलीगढ़ मुस्लिम विश्वविद्यालय, अलीगढ़	प्रो० तारीक मंसूर, प्राचार्य, जै०एन० मेडिकल कॉलेज अस्पताल, अलीगढ़ मुस्लिम विश्वविद्यालय, अलीगढ़	विश्वविद्यालय की सीनेट के सदस्यों द्वारा निर्वाचित
43.	किंग जार्ज मेडिकल विश्वविद्यालय, उत्तर प्रदेश	प्रो० रविकांत, अध्यक्ष, मानव अंग प्रत्यारोपण विभाग तथा अध्यक्ष, सर्जिकल ऑन्कोलॉजी विभाग और कुलपति, किंग जार्ज चिकित्सा विश्वविद्यालय, उत्तर प्रदेश, लखनऊ	विश्वविद्यालय की सीनेट के सदस्यों द्वारा निर्वाचित

[सं. वी-11013/2/2013-एम ई पी-I]

अमित बिश्वास, अवर सचिव

पाद टिप्पणी: दिनांक 9 जनवरी, 1960 के का०आ० 138 के तहत भारत के राजपत्र में मुख्य अधिसूचना प्रकाशित की गई थी और भारतीय आयुर्विज्ञान परिषद (संशोधन), द्वितीय अध्यादेश, 2013 (2013 का 11) के तहत अंतिम बार संशोधन किया गया था।

New Delhi, the 20th March, 2015

S.O. 574.—Whereas on 06th November, 2013, the Medical Council of India was re-constituted in exercise of the powers conferred by sub-section (1) of section 3A of the Indian Medical Council (Amendment) Ordinance, 2013.

And whereas the Central Government, in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and as informed by the respective Universities/health science Universities, have elected the following to be a member of the Medical Council of India for four years with effect from the date of issue of the notification.

Now, therefore, in pursuance of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely:—

In the notification of the Government of India in the Ministry of Health & Family Welfare number S.O. 3325(E) dated the 6th November, 2013 and amendments thereto after the last entry and entry relating thereto, the following shall be inserted, namely:

S.No.	Name of the University	Details of the Elected Member	Mode of Election
41.	B. N. Mandal University, Madhepura, Bihar	Dr. Arun Kumar Agarwal, M. Ch. (Neuro Surgery), Katihar Medical College, Katihar, Bihar	Elected by members of the Senate of the University
42.	Aligarh Muslim University, Aligarh	Prof. Tariq Mansoor, Principal, J. N. Medical College Hospital, Aligarh Muslim University, Aligarh	Elected by Executive Council of the University
43.	King George's Medical University, Uttar Pradesh	Prof. Ravi Kant, Head of the Department of Human Organ Transplant and Head of the Department of Surgical Oncology & Vice Chancellor, King George's Medical University Uttar Pradesh, Lucknow	Elected by Executive Council of the University

[No. V. 11013/2/2013-MEP-I]

AMIT BISWAS, Under Secy.

Foot Note: The principal notification was published in the Gazette of India *vide* number S.O. 138 dated the 9th January, 1960 and was last amended *vide* Indian Medical Council (Amendment) Second Ordinance, 2013 (11 of 2013).

कोयला मंत्रालय

आदेश

नई दिल्ली, 24 मार्च, 2015

का.आ. 575.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का०आ० 1029, तारीख, 12 मार्च, 2014, द्वारा जारी की गई जो भारत के राजपत्र, भाग II, खंड 3, उप-खंड, (II), तारीख 22 मार्च, 2014 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के सभी अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलंगमां से मुक्त होकर, आत्मांतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार को यह समाधान हो गया है कि नार्थ ईस्टर्न कोलफाईल्ड्स, कोल इंडिया लिमिटेड, मार्घेरिटा-786181, असम (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों को जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये तैयार हैं;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त 500.00 हेक्टर (लगभग) या 1235.00 एकड़ (लगभग) भूमि और उस पर के सभी अधिकार, तारीख 22 मार्च, 2014 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के स्थान पर, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कम्पनी में निहित हो जाएंगे, अर्थात्:—

- सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, व्याज, नुकसान और वैसी ही मर्दों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिये नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, कम्पनी द्वारा वहन किये जाएंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकार के लिये या उसके संबंध में जैसे अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, इसी प्रकार सरकारी कम्पनी द्वारा वहन किये जाएंगे;
- सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हों;

- सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और भूमि में या उसके ऊपर इस प्रकार निहित अधिकार को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- सरकारी कम्पनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएं या अधिरोपित की जाए, पालन करेगी।

[फांसं 43015/07/2011-पीआरआईडब्ल्यू-I]
दोमिनिक डुंगडुंग, अवर सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 24th March, 2015

S.O. 575.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 1029, dated the 12th March, 2014 published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 22nd March, 2014 issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the said land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas, the Central Government is satisfied that the North Eastern Coalfields, Coal India Limited, Margherita-786181 Assam (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby direct that the land measuring 500.00 hectares (approximately) or 1235.00 acres (approximately) and all rights in or over the said lands so vested shall with effect from the 22nd March, 2014 instead of continuing to so vest in the Central Government shall vest in the Government Company subject to the following terms and conditions, namely:—

- The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like as determined under the provisions of the said Act;
- A Tribunal shall be constituted under section 14 of the said Act for the purpose of determining the

amounts payable to the Central Government by the Government Company under conditions (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights in or over the said lands so vesting shall also be borne by the Government Company.

3. The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;
4. The Government Company shall have no power to transfer the said lands to any other persons without the prior approval of the Central Government; and
5. The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/07/2011-PRIW-I]

DOMINIC DUNGDUNG, Under Secy.

आदेश

नई दिल्ली, 24 मार्च, 2015

का.आ. 576.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का०आ० 1523, तारीख, 13 मई, 2014, जिसके भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 24 मई, 2014 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में खनिज के खनन, खदान, बोर करने, उनकी खुदाई करने और खनिजों को तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के लिए अधिकार, उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलंगमों से मुक्त होकर, आत्यांतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफाइल्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये तैयार है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस

प्रकार निहित उक्त भूमि में या उस पर के पूर्वोक्त अधिकार केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, तारीख 24 मई, 2014 से निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कम्पनी में निहित हो जाएंगे, अर्थात्:—

1. सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
2. सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिये उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिये नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, सरकारी कम्पनी द्वारा वहन किये जायेंगे और इसी प्रकार निहित उक्त भूमि में या उनके संबंध में अपील आदि और सभी अन्य विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, सरकारी कम्पनी द्वारा वहन किये जाएंगे;
3. सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों के विरुद्ध, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी, इस प्रकार निहित पूर्वोक्त अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हों;
4. सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि में पूर्वोक्त अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
5. सरकारी कम्पनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएं या अधिरोपित की जाए, पालन करेगी।

[फार्म 43015/4/2011-पीआरआईडब्ल्यू-I]

दोमिनिक डुंगडुंग, अवर सचिव

ORDER

New Delhi, the 24th March, 2015

S.O. 576.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 1523, dated the 13th May, 2014 in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 24th May, 2014, under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central

Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the aforesaid rights in or over the said lands so vested, shall, with effect from the 24th May, 2014 instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely:—

1. The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
2. A Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government Company under conditions (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the Tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, and other proceedings for in connection with the rights, in the said lands, so vesting, shall also be borne by the Government Company.
3. The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in the said lands so vesting;
4. The Government Company shall have no power to transfer the aforesaid rights in the said lands so vested, to any other persons without the prior approval of the Central Government; and
5. The Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[F.No. 43015/4/2011-PRIW-I]

DOMINIC DUNGDUNG, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 17 मार्च, 2015

का.आ. 577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन०एल०सी०एल० के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 137/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/70/2005-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 17th March, 2015

S.O. 577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 137/2005), of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Neyveli Lignite Corp. Ltd., and their workmen, received by the Central Government on 13/03/2015.

[No. L-22012/70/2005-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

IN THE COURT OF CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

REFERENCE NO. 137 OF 2005

Management of Bahula Colliery under Kenda Area
of M/s. E.C.L.

VS.

Sri Ram Briksh Bhula

SETTLEMENT IN LOK ADALAT

HELD ON 19TH DECEMBER, 2014 AT CGIT-CUM-LC,
ASANSOL

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The form 'H' containing the terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PRAMOD KUMAR MISHRA, Presiding Officer

**IN THE COURT OF CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

LOK ADALAT SETTLEMENT

Place: Asansol

Date: 19.12.2014

Ref. 137 of 2005

Bahula Colliery under Kenda Area of M/s. E.C.L.

VS.

Sri Ram Briksh Bhula

Both the parties hereby mutually and amicably settle up the dispute for the interest of both sides and to help securing a healthy & conducive relationship for maximization of output in the industry.

Terms:

Both the parties submit that the dispute have been amicably settled between the parties and the concerned workman. He has already been re-instated in his service without any back wages.

Employer/Management

Employee/Union

नई दिल्ली, 17 मार्च, 2015

का.आ. 578.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 78/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-03-2015 को प्राप्त हुआ था।

[सं. एल-22012/52/2006-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 78/2006 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited, and their workmen, received by the Central Government on 13-03-2015.

[No. L-22012/52/2006-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

**IN THE COURT OF CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

Reference No.: 78/ITC/2006

Management of Nav Kajora Colliery of E.C.L.

VS.

Sri Ranjit Bouri

SETTLEMENT IN LOK ADALAT

Held on 20th February, 2015 at Mines Rescue Station, ECL, Sitarampur.

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The form 'H' containing the terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PRAMOD KUMAR MISHRA, Presiding Officer

**IN THE COURT OF CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

LOK ADALAT SETTLEMENT

Place: Mines Rescue Station, Sitarampur

Date: 20.02.2015

Ref. No. 78/2006

The Agent: Nav Kajora Colliery, ECL

VS.

Sri Ranjit Bouri

Both the parties hereby mutually and amicably settle up the dispute for the interest of both sides and to help securing a healthy & conducive relationship for maximization of output in the industry.

Terms:

The workman agrees to be reinstated without book wages and 14 terms and condition (attached).

1. [MOUMITA JOARDAR, Asstt. Mgr. (HR/P), NKC]
2. [AJAY KUMAR SHRINET, Manager (PERS) Kajora Area]

Employer/Management

Employee/Union

TERMS OF RE-INSTATEMENT

- i. The concerned candidate shall furnish unequivocal acceptance of offence committed by him with unconditional apology thereof and an undertaking that in future he will never commit such offence.
- ii. The re-instatement of the ex-employee will be subject to medical fitness for employment by the AMO of the Area. In case, a candidate is found to unfit on medical ground, case will not be processed further.
- iii. The concerned ex-employee shall be reinstated in service as Cat-I Mazdoor at initial basic of the scale.
- iv. The ex-employee concerned shall not be entitled to any back wages for the period of his idleness.
- v. The ex-employee on re-instatement shall be posted in the under-ground wherever there is requirement, in case any approach/request for change of work/place of posting, appointment will cease immediately.
- vi. The ex-employee on re-instatement shall be on probation for a minimum period of 1 (One) year and the ex-employee shall be confirmed only on receipt of satisfactory Performance Certification on expiry of probation period by CGM/GM of the Area. In case his performance is not found satisfactory, his service should be terminated forthwith.
- vii. The concerned ex-employee shall unconditionally withdraw all pending claims/ disputes raised by him or any union in any forum/ Court of Law relating to his "Dismissal" and shall submit no dispute certificate to the management.
- viii. The period of absence/idleness of the ex-employee shall be treated as *dies-non*.
- ix. The ex-employee shall be allowed the benefit of continuity of service for the period of his idleness for the purpose of computation of his final gratuity payment only.
- x. If the ex-employee has already withdrawn his gratuity amount prior to re-instatement, shall refund the same to the management prior to his re-instatement in service. In case Management has deposited it with the ALC(C)/Controlling

- Authority due to any reason whatsoever may be, it will be called back by the depositing on the ground of re-instatement.
- xi. If the ex-employee has already withdrawn his CMPF accumulation prior to re-instatement his case shall be regulated as per the CMPF Act/Rules. If the ex-employee is drawing Pension the same shall be regulated as per the CMPS/Rules.
- xii. The instant order/approval for re-instatement on the above terms & conditions in respect of concerned ex-employee/ex-employees shall remain valid for a period 2 (two) months from the date of its communication to the ex-employee/ex-employees by area and shall stand inoperative on expiry of the said period.
- xiii. Before allowing re-instatement as above a mutual agreement in 'Form-H' under the I.D. Act, 1947/Rules be entered, based on above terms of re-instatement (from 3 to 13), between the management, the ex-employee and the sponsoring Union, if there is any and the copy of same shall be endorsed to ECL, HQ.
- xiv. Prior to re-instatement, the identity of the ex-employee shall be verified by the concerned Area/ Colliery authority.

नई दिल्ली, 17 मार्च, 2015

का.आ. 579.——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईंसीएल० के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 06/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-03-2015 को प्राप्त हुआ था।

[सं. एल-22012/58/2013-आई आर (सीएम-II)]

मो॰ जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 06/2013 of the Central Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure in the Industrial dispute between the management of Nimcha Colliery, Satgram Area, and their workman, which was received by the Central Government on 13-03-2015.

[No. L-22012/58/2013-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE**IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL****Reference No.: 06/ITC/2013****Management of Nimcha Colliery of E.C.L.****Vs.****Sri Rabi Bouri****SETTLEMENT IN LOK ADALAT****Held on 20th February, 2015 at Mines Rescue Station, ECL, Sitarampur.****AWARD**

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The **Form 'H'** containing the terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PROMOD KUMAR MISHRA, Presiding Officer

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL**Ref. 06/2013****LOK ADALAT SETTLEMENT****Place: Mines Rescue Station, Sitarampur****Date: 20.02.15****Nimcha Colliery, ECL****Vs.****Sri Rabi Bouri**

Both the parties hereby mutually and amicably settle up the dispute for the interest of both sides and to help securing a healthy & conducive relationship for maximization of output in the industry.

Terms: The workman agrees to be reinstated without back wages and into other 14 terms and conditions.

Employer/Management

Employee/Union

TERMS OF RE-INSTATEMENT

- i. The concerned candidate shall furnish unequivocal acceptance of offence committed by him with unconditional apology thereof and an undertaking that in future he will never commit such offence.
- ii. the re-instatement of the ex-employee will be subject to medical fitness for employment by the AMO of the Area. In case, a candidate is found to

unfit on medical ground case will not be processed further.

- iii. The concerned ex-employee shall be reinstated in service as Cat-I Mazdoor at initial basic of the scale.
- iv. The ex-employee concerned shall not be entitled to any back wages for the period of his idleness.
- v. The ex-employee on re-instatement shall be posted in the under-ground wherever there is requirement in case any approach/request for change of work/place of posting appointment will cease immediately.
- vi. The ex-employee on re-instatement shall be on probation for a minimum period of 1(One) year and the ex-employee shall be confirmed only on receipt of satisfactory Performance Certification on expiry of probation period by CGM/GM of the Area. In case his performance is not found satisfactory, his service should be terminated forthwith.
- vii. The concerned ex-employee shall unconditionally withdraw all pending claims/disputes raised by him or any union in any forum/Court of Law relating to his "Dismissal" and shall submit no dispute certificate to the management.
- viii. The period of absence/idleness of the ex-employee shall be treated as dies-non.
- ix. The ex-employee shall be allowed the benefit of continuity of service for the period of his idleness for the purpose of computation of his final gratuity payment only.
- x. If the ex-employee has already withdraw his gratuity amount prior to re-instatement, shall refund the same to the management prior to his re-instatement in service. In case Management has deposited it with the ALC(C)/Controlling Authority due to any reason whatsoever may be, it will be called back by the depositing authority on the ground of re-instatement.
- xi. If the ex-employee has already withdraw his CMPF accumulation prior to re-instatement his case shall be regulated as per the CMPF Act/Rules. If the ex-employee is drawing Pension the same shall be regulated as per the CMPS/Rules.
- xii. The instant order/approval for re-instatement on the above terms & conditions in respect of concerned ex-employee/ex-employees shall remain valid for a period 2 (two) months from the date of its communication to the ex-employee/ex-employees by area and shall stand inoperative on expiry of the said period.

- xiii. Before allowing re-instatement as above a mutual agreement in 'Form-H' under the I.D. Act, 1947/ Rules be entered, based on above terms of reinstatement (from 3 to 13), between the management, the ex-employee and the sponsoring Union, if there is any and the copy of same shall be endorsed to ECL, HQ.
- xiv. Prior to re-instatement, the identity of the ex-employee shall be verified by the concerned Area/ Colliery authority.

नई दिल्ली, 17 मार्च, 2015

का.आ. 580.—आौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईंसीएल० के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आौद्योगिक विवाद में केन्द्रीय सरकार आौद्योगिक अधिकरण/श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 16/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-03-2015 को प्राप्त हुआ था।

[सं. एल-22012/123/2013-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 16/2013 of the Central Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure in the Industrial dispute between the management of Nimcha Colliery, and their workman, received by the Central Government on 13-03-2015.

[No. L-22012/123/2013-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL

Reference No.: 16/ITC/2013

Management of Nimcha Colliery of E.C.L.

Vs.

Sri Suku Majhi

SETTLEMENT IN LOK ADALAT

Held on 20th February, 2015 at Mines Rescue Station, ECL, Sitarampur.

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The **Form 'H'** containing the

terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PROMOD KUMAR MISHRA, Presiding Officer

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL

Ref. No. 16/2013

LOK ADALAT SETTLEMENT

Place: Mines Rescue Station, Sitarampur

Date: 20.02.15

The Agent, Nimcha Colliery, ECL

Vs.

Sri Suku Majhi

Both the parties hereby mutually and amicably settle up the dispute for the interest of both sides and to help securing a healthy & conducive relationship for maximization of output in the industry.

Terms: The workman agrees to be reinstated without back wages with other 14 terms and conditions.

Employer/Management

Employee/Union

TERMS OF RE-INSTATEMENT

- i. The concerned candidate shall furnish unequivocal acceptance of offence committed by him with unconditional apology thereof and an undertaking that in future he will never commit such offence.
- ii. The re-instatement of the ex-employee will be subject to medical fitness for employment by the AMO of the Area. In case, a candidate is found to unfit on medical ground, case will not be processed further.
- iii. The concerned ex-employee shall be reinstated in service as Cat-I Mazdoor at initial basic of the scale.
- iv. The ex-employee concerned shall not be entitled to any back wages for the period of his idleness.
- v. The ex-employee on re-instatement shall be posted in the under-ground wherever there is requirement in case any approach/request for change of work/place of posting, appointment will cease immediately.
- vi. The ex-employee on re-instatement shall be on probation for a minimum period of 1 (One) year and the ex-employee shall be confirmed only on receipt of satisfactory Performance Certification on expiry of probation period by CGM/GM of the Area. In case his performance is not found

satisfactory, his service should be terminated forthwith.

vii. The concerned ex-employee shall unconditionally withdraw all pending claims/ disputes raised by him or any union in any forum/ Court of Law relating to his "Dismissal" and shall submit no dispute certificate to the management.

viii. The period of absence/idleness of the ex-employee shall be treated as *dies-non*.

ix. The ex-employee shall be allowed the benefit of continuity of service for the period of his idleness for the purpose of computation of his final gratuity payment only.

x. If the ex-employee has already withdrawn his gratuity amount prior to re-instatement, shall refund the same to the management prior to his re-instatement in service. In case Management has deposited it with the ALCCC/Controlling Authority due to any reason whatsoever may be, it will be called back by the depositing authority on the ground of re-instatement.

xi. If the ex-employee has already withdrawn his CMPF accumulation prior to reinstatement his case shall be regulated as per the CMPF Act/Rules. If the ex-employee is drawing Pension the same shall be regulated as per the CMPS/Rules.

xii. The instant order/approval for re-instatement on the above terms and conditions in respect of concerned ex-employee/ex-employees shall remain valid for a period 2 (two) months from the date of its communication to the ex-employee/ex-employees by area and shall stand inoperative on expiry of the said period.

xiii. Before allowing re-instatement as above a mutual agreement in 'Form-H' under the I.D. Act, 1947/ Rules be entered based on above terms of reinstatement (from 3 to 13), between the management, the ex-employee and the sponsoring Union, if there is any and the copy of same shall be endorsed to ECL, HQ.

xiv. Prior to reinstatement, the identity of the ex-employee shall be verified by the concerned Area/ Colliery authority.

नई दिल्ली, 17 मार्च, 2015

का.आ. 581.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम

न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 35/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-03-2015 का प्राप्त हुआ था।

[सं० एल-22012/211/2005-आईआर (सीएम-II)]

मौ० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 581.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 35/2006 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Madhujore Colliery of M/s. ECL, and their workmen, received by the Central Government on 13-03-2015.

[No. L-22012/211/2005-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL

Reference No.: 35/ITC/2006

Management of Madhusudanpur Colliery of
E. C. L.

Vs

Sri Shyamal Murmu

SETTLEMENT IN LOK ADALAT

Held on 20th February, 2015 at Mines Rescue Station,
ECL, Sitarampur.

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The Form 'H' containing the terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PRAMOD KUMAR MISHRA, Presiding Officer.

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

LOK ADALAT SETTLEMENT

Place: Mines Rescue Station Sitarampur

Date: 20.02.2015

Ref. 35/2006

The Agent, Madhusudanpur Colliery of ECI

Vs.

Sh. Shyamal Murmu

Both the parties hereby mutually and amicably settle up the dispute for the interest of both sides and to help securing a healthy and conductive relationship for maximization of output in the industry.

Terms: The workman agrees to be reinstated without back wages and other 14 terms and condition (attached).

1. 20.2.15

[JAGDISH KARMAKAR, Dy Manager (PERS),
MSP]

2. [AJAY KUMAR SHRINET, MANAGER (PERS)
KAJORA AREA]

Employer/Management

SHYAMLAL MURMU
Employee/Union

TERMS OF RE-INSTATEMENT

- i. The concerned candidate shall furnish unequivocal acceptance of offence committed by him with unconditional apology thereof and an undertaking that in future he will never commit such offence.
- ii. The re-instatement of the ex-employee will be subject to medical fitness for employment by the AMO of the Area. In case, a candidat is found to unfit on medical ground, case will not be processed further.
- iii. The concerned ex-employee shall be reinstated in service as Cat-I Mazdoor at initial basic of the scale.
- iv. The ex-employee concerned shall not be entitled to any back wages for the period of his idleness.
- v. The ex-employee on re-instatement shall be posted in the under-ground wherever there is requirement in the case any approach/request for change of work/place of posting, appointment will cease immediately.
- vi. The ex-employee on re-instatement shall be on probation for a minimum period of 1 (One) year and the ex-employee shall be confirmed only on receipt of satisfactory Performance Certification on expiry of probation period by CGM/GM of the Area. In case his performance is not found satisfactory, his service should be terminated forthwith.
- vii. The concerned ex-employee shall unconditionally withdraw all pending claims/ disputes raised by him or any union in any forum/ Court of Law relating to his "Dismissal" and shall submit no dispute certificate to the management.

- viii. The period of absence/idleness of the ex-employee shall be treated as *dies-non*.
- ix. The ex-employee shall be allowed the benefit of continuity of service for the period of his idleness for the purpose of computation of his final gratuity payment only.
- x. If the ex-employee has already withdrawn his gratuity amount prior to re-instatement, shall refund the same to the management prior to his re-instatement in service. In case Management has deposited it with the ALCCC)/controlling Authority due to any reason whatsoever may be, it will be called back by the depositing authority on the ground of re-instatement.
- xi. If the ex-employee has already withdrawn his CMPF accumulation prior to re-instatement his case shall be regulated as per the CMPF Act/Rules. If the ex-employee is drawing Pension the same shall be regulated as per the CMPS/Rules.
- xii. The instant order/approval for re-instatement on the above terms and conditions in respect of concerned ex-employee/ex-employees shall remain valid for a period 2 (two) months from the date of its communication to the ex-employee/ex-employees by area and shall stand inoperative on expiry of the said period.
- xiii. Before allowing re-instatement as above a mutual agreement in 'Form-H' under the I.D. Act, 1947/ Rules be entered based on above terms of reinstatement (from 3 to 13), between the management, the ex-employee and the sponsoring Union, if there is any and the copy of same shall be endorsed to ECL, HQ.
- xiv. Prior to reinstatement, the identity of the ex-employee shall be verified by the concerned Area/ Colliery authority.

नई दिल्ली, 17 मार्च, 2015

का.आ. 582.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईंसीएल० प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 36/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-03-2015 को प्राप्त हुआ था।

[सं. एल-22012/7/2007-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 582.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government

hereby publishes the Award Ref. 36/2007 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited, and their workmen, received by the Central Government on 13-03-2015.

[No. L-22012/7/2007-IR (CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

ASANSOL

Reference No.: 36/ITC/2007

Management of Ratibati Colliery of E.C.L

Vs.

Shri Haren Bouri

SETTLEMENT IN LOKADALAT

Held on 20th February, 2015 at Mines Rescue Station, ECL, Sitarampur.

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The **Form 'H'** containing the terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PRAMOD KUMAR MISHRA, Presiding Officer

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

ASANSOL

Misc. 01/2012 (Original Ref. No. 36/2007)

LOKADALAT SETTLEMENT

Place: Mines Rescue Station, Sitarampur

Date: 20.02.15

Chapuikhas Colliery,

Vs.

Sri Haren Bouri

Both the parties hereby mutually and amicably settle up the dispute for the interest of both sides and to help securing a healthy & conducive relationship for maximization of output in the industry.

Haren Bouri concerned workman is the employee of Ratibati Colliery instead of Chapuikhas Colliery

Employer/Management

Employee/Union

H.L. SONI

—Sd—

—Sd—

Illegible

Asst. General Secy.

KMC

TERMS OF RE-INSTATEMENT

- i. The concerned candidate shall furnish unequivocal acceptance of offence committed by him with unconditional apology thereof and an undertaking that in future he will never commit such offence.
- ii. The re-instatement of the ex-employee will be subject to medical fitness for employment by the AMO of the Area. In case, a candidate is found to unfit on medical ground, case will not be processed further.
- iii. The concerned ex-employee shall be reinstated in service as Cat-I Mazdoor at initial basic of the scale.
- iv. The ex-employee concerned shall not be entitled to any back wages for the period of his idleness.
- v. The ex-employee on re-instatement shall be posted in the under-ground wherever there is requirement in case any approach/request for change of work/place of posting, appointment will cease immediately.
- vi. The ex-employee on re-instatement shall be on probation for a minimum period of 1(One) year and the ex-employee shall be confirmed only on receipt of satisfactory Performance Certification on expiry of probation period by CGM/GM of the Area. In case his performance is not found satisfactory, his service should be terminated forthwith.
- vii. The concerned ex-employee shall unconditionally withdraw all pending claims/disputes raised by him or any union in any forum/Court of Law relating to his "Dismissal" and shall submit no dispute certificate to the management.
- viii. The period of absence/idleness of the ex-employee shall be treated as *dies-non*.
- ix. The ex-employee shall be allowed the benefit of continuity of service for the period of his idleness for the purpose of computation of his final gratuity payment only.
- x. If the ex-employee has already withdrawn his gratuity amount prior to re-instatement, shall refund the same to the management prior to his re-instatement in service. In case Management has deposited it with the ALC(C)/Controlling Authority due to any reason whatsoever may be, it will be called back by the depositing authority on the ground of re-instatement.
- xi. If the ex-employee has already withdrawn his CMPF accumulation prior to re-instatement his case shall be regulated as per the CMPF Act/Rules. If the ex-employee is drawing Pension the same

shall be regulated as per the CMPS/Rules.

xii. The instant order/approval for re-instatement on the above terms and conditions in respect of concerned ex-employee/ex-employees shall remain valid for a period 2 (two) months from the date of its communication to the ex-employee/ex-employees by area and shall stand inoperative on expiry of the said period.

xiii. Before allowing re-instatement as above a mutual agreement in 'Form-H' under I.D. Act, 1947/Rules be entered, based on above terms of re-instatement (from 3 to 13), between the management, the ex-employee and the sponsoring Union, if there is any and the copy of same shall be endorsed to ECL, HQ.

xiv. Prior to re-instatement, the identity of the ex-employee shall be verified by the concerned Area/Colliery authority.

नई दिल्ली, 17 मार्च, 2015

का०आ० 583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ०सी०आई० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न० 1, धनबाद के पंचाट (संदर्भ संख्या 74/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.03.2015 को प्राप्त हुआ था।

[सं० एल० 22012/386/2004-आई०आर०(सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 583.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 74/2005 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 13.03.2015.

[No. L-22012/386/2004-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

Before the Central Government Industrial Tribunal No.1, Dhanbad

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Ref. No. 74 of 2005

**Employer in relation to the management of Food
Corporation of India, Gaya**

AND

Their workmen

Present:—Sri Ranjan Kumar Saran, Presiding Officer

Appearances:

For the Employers :—None

For the workman :—Sri V. Kumar, Rep.

State : Jharkhand

Industry :—Food

Dated 27.02.2015

AWARD

By Order No. L-22012/386/2004-IR (CM-II), dated 29.06.2000, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Food Corporation of India in terminating the service of workmen Sh. Deepak Kumar and other (list enclosed w.e.f. 01.09.95 and 01.10.96 instead of regularizing their service is legal and justified. If not, to what relief the workman is entitled?"

Sl. No.	Name of the workmen	Date of engagement	Date of retrenchment
1.	Shri Deepak Kumar	01.09.94	01.09.95
2.	Shri Anjani Kumar	01.09.94	01.09.95
3.	Shri Girish Kr. Sinha	01.09.94	01.09.95
4.	Shri Bipin Kumar	01.09.94	01.09.95
5.	Shri Roshan Kr. Kashyap	01.09.94	01.09.95
6.	Shri Santosh Kumar	01.09.94	01.09.95
7.	Shri Kukesh Kumar	01.09.94	01.09.95
8.	Shri Babloo	01.09.94	01.09.95
9.	Shri Sushil Kumar	01.09.94	01.09.95
10.	Shri Dilip	01.09.94	01.09.95
11.	Shri Vinod Kumar	01.09.95	01.10.96
12.	Shri Manoj Kr. Sinha	01.09.95	01.10.96
13.	Shri Om Kumar	01.09.95	01.10.96
14.	Shri Sanjay Kumar	01.09.95	01.10.96
15.	Shri Rakesh Kumar	01.09.95	01.10.96
16.	Shri Ajoy Kumar	01.09.95	01.10.96
17.	Shri Uday Sharma	01.09.95	01.10.96
18.	Shri Raj Kumar Singh	01.09.95	01.10.96
19.	Shri Sanjeev Kumar	01.09.95	01.10.96
20.	Shri Anil Kumar	01.09.95	01.10.96
21.	Shri Gopal Prasad	01.09.95	01.10.96

2. This Case is received from the Ministry of Labour & Employment on 12.09.2005. After receipt of reference, both parties are noticed. The workman files their written statement on 23.09.2005. But the management after long delay files written statement on 01.04.2010. Document marked by the workman as W-1 Series and W-2. The workman also filed

three affidavit evidence, he has not been cross examined by the management, due to lapses of management.

3. The short point involved in this reference is that, whether the termination of the workman is just and proper or not. The workmen have been terminated by the management without assigning any rhyme or reason.

4. On the other hand the workman submitted, they were rendering proper service to the management and they were also availing LTC etc. and in support of that they filed photo copies of such documents. They have also filed the photo copies of the Attendance sheets of all the workmen. As per document available on the record and as per the affidavit filed by the workman, there are many post vacant in category IV.

5. Workman files many documents, marked as W-1 & W-2 series, which shows that they have completed 240 days in the calendar year.

6. Moreover the management has not adduce any evidence, nor turn up since last 7 to 8 dates to pursue and did not choose to cross examine the workmen witnesses.

7. Considering the facts and circumstances of this case, I holds that the termination of the workman is totally illegal, Hence they be allowed to continue in the job without any back wages against the regular post.

This is my award.

R.K. SARAN, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 584.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफसीआई के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 13/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.03.2015 को प्राप्त हुआ था।

[सं. एल. 22011/2/2004-आईआर०(सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 584.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 13/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 11.03.2015.

[No. L-22012/2/2011-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE SHRI SURENDRA PRAKASH SINGH, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Case No. ID 13 of 2011

Reference No. L-22011/2/2011-IR(CM-II) dated
18.05.2011.

The General Secretary, FCI Class IV Karamchari Sangh, Central Office, 1185/1, B-17, Lal Kothi, Azad Nagar, Ludhiana.

Workman

Versus

1. The General Manager, (IR) Food Corporation of India, 16-20, Barakhamba Lane, New Delhi. 110001.
2. The Senior Regional Manager, Food Corporation of India, Punjab Region, Sector-31, Chandigarh.

Respondents

Appearances

For the Workman: None

For the Management: Shri Arun Batra proxy for Shri N.K. Zakhmi Advocate.

AWARD

Dated: 26.02.2015

Government of India Ministry of Labour *vide* notification L-22011/2/2011-IR(CM-II) dated 18.05.2011 has referred the following dispute to this Tribunal for adjudication:

TERM OF REFERENCE

"Whether the action of the management of FCI, Punjab Region in not deploying the security guard on Direct Payment System as recommended by Three Member Committee and not regularizing the 34 casual workers by the FCI department is just, fair and legal? To what relief the concerned workers are entitled and from which date?"

2. On receipt of the reference, notices were issued to the parties. Earlier the parties were appearing. Union filed the statement of claim to which the management filed written statement. During the course of proceedings Shri Mangat Nath Bali, President FCI Class IV Karamchari Sangh filed application withdrawing the demand regarding not regularizing the 34 regular workers by the management.

3. The case was adjourned for filing the affidavit in evidence by the workmen since May 2012. The Union stopped attending hearing and did not file any affidavit in evidence. For the last about three years the case was adjourned time and again for filing of affidavit in evidence by the union. None is appearing on behalf of the Union from the several dates. It appears the Union is not interested

to pursue the present reference. As the Union is not appearing, therefore, no purpose would be served in keeping the case pending. In view of the above, the present reference is returned is to the Central Govt. for want of prosecution.

4. The reference is disposed off accordingly. Central Govt. be informed. Soft as well as hard copy be sent to the Central Govt. for publication.

Chandigarh

26.2.2015

S. P. SINGH, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का०आ० 585.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/अमन्यालय नं 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 615/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/03/2015 को प्राप्त हुआ था।

[सं० एल. 22012/290/1999-आई.आर. (सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 585.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 615/2005 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Chandigarh* as shown in the Annexure, in the Industrial dispute between the management of *Food Corporation of India*, and their workmen, received by the Central Government on 11/03/2015.

[No. L-22012/290/1999-IR (CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Sri Kewal Krishan, Presiding Officer,

Case No. I.D. No. 615/2005

Registered on 24.8.2005

Workmen through Food Corporation of India Ancillary Labour Workers Union, C/o President, Charan Singh son of Sh. Gurnam Singh, Choor Chak, District Moga.

....Petitioner

Versus

1. Food Corporation of India, Regional Office, Sector 34, Chandigarh, through its Regional Manager.
2. The District Manager, Food Corporation of India, 804, Gurdev Nagar, Ludhiana.

3. The Assistant Manager, Food Storage Depot, FCI, Jagraon, District Ludhiana.

.... Respondents

APPEARANCES

For the workman

Sh. Harmandeep Singh Adv.

For the Management

Sh. N.K. Zakhmi, Adv.

AWARD

Passed on 21/1/2015

Central Government *vide* Notification No. L-22012/290/99 IR(CM-II) Dated 24.1.2000, by exercising its powers under Section 10 of Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:

"Whether the action of the management of FCI, in not regularizing the services of workers concerned is just and legal? If not, to what relief the workman are entitled and from which date?"

Briefly stated the facts are that according to 18 workers whose names find mentioned in para 2 of the statement of claim, worked for several years under Assistant Manager, FCI, Jagraon. They were working in the premises and control of the FCI Officers. It is pleaded that their services have not been regularized and the FCI has been appointing persons on regular basis which is a discrimination and injustice. It is further pleaded that daily wage workers are entitled to minimum pay scales as is given to regular employees. That the management be directed to regularize their services and they be paid salary as being paid to regular employees.

Respondent management filed written reply controverting the averments and pleaded that the workmen whose names find mention in the statement of claim never worked with the FCI Depot at Jagraon. As per Ishwari Prasad report, the persons who were working with the contractors for a period of three years prior to February, 1997 were to be covered under the direct payment system and since the names of the workers did not find mention in the gate entry register, acquaintance rolls and EPF Schedule, they were not entitled to benefit. All other averments were controverted.

Parties were given opportunities to lead their respective evidence.

Some of the labourers namely Nirmal Singh, Jarnail Singh, Prakash Nath, Yograv Singh, Butta Singh, Bajjnath, Gurmail Singh, Ballaur Singh, Hansjit Singh, Sarabjit Singh, Charan Singh, Shamsher Singh and Iqbal Singh appeared in the witness box; and filed their respective affidavits reiterating the stand taken by them in the statement of claim.

On the other hand the management has examined Anuj Tyagi, who filed his affidavit reiterating the stand of respondent management as taken in the written statement.

I have heard Sh. Harmandeep Singh, Counsel for the workmen and Sh. N.K. Zakhmi, counsel for the management and perused their file carefully.

It was vehemently Argued by learned counsel for the workmen that workmen have been working with the FCI since long and some of them even have been working since 1979, 1983 and 1984 and from the copies of the gate passes, it is clear that they were working from the respondent management and they are entitled to regularization of their services.

Suffice it to say, that the respondent management *i.e.* Food Corporation of India, denied that the workmen actually did work for it at any point of time. In these circumstances, it was incumbent on the workmen to prove that they actually did work for the respondent management. Photocopies of gate passes Mark 1 to Mark 14 have been placed on the file which were put to Anuj Tyagi, a witness of the management. But these copies do not depict anywhere that any of the workmen ever worked for the FCI at any point of time. The workers did not produce or prove any document to establish that they were engaged by the respondent department or they have ever received any salary from it. From the bare statements of the workmen who appeared in the witness box, it cannot be said that they were ever engaged by the respondent department. The witness had deposed that they were called by Mr. Dadwal, AG-2 and Harbans Singh, AG-2 meaning thereby that they were employed by them but there is nothing on the file to show that Mr. Dadwal, AG-2 and Mr. Harbans Singh, AG 2 were ever authorized to employ them. Since it is not proved on the file that workmen ever received any salary from the FCI, it cannot be said that they ever worked or employed by the FDI. The workmen simply claim regularization of their services on the strength of the period they allegedly worked for the respondent management. Even if it is taken that they worked as alleged by them, they cannot claim regularization of their services as person to the post is to be appointed by following the Rules and Regulations and the Hon'ble Apex Court in the latest pronouncement in **Secretary, State of Karnataka Vs. Uma Devi reported in A.I.R. 2006 S.C. 1806**, the Hon'ble Apex Court observed that employees who were not appointed by observing the regular procedure and rules are not entitled to regularization of their services. The Hon'ble Apex Court observed in para 1 of the judgement as follows:—

Public employment in a sovereign socialist secular democratic republic, has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the government and its instrumentalities on the basis of

a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has provided also for affirmative action to ensure that unequals are not treated equals. Thus, any public employment has to be in terms of the constitutional scheme.

It was further observed in **para 5** of the judgement as follow:—

The power of a state as an employer is more limited than that of a private employer inasmuch as it is subjected to constitutional limitations and cannot be exercised arbitrarily Article 309 of the Constitution gives the Government the power to frame rules for the purpose of laying down the conditions of service and recruitment of persons to be appointed to public services and posts in connection with the affairs of the Union or any of the States. The article contemplates the drawing up of a procedure and rules to regulate the service conditions of appointees appointed to public posts. It is well acknowledged that because of this, the entire process of recruitment and for services of controlled by detailed procedures which specify the necessary qualifications, the mode of appointment etc. If rules have been made under Article 309 of the Constitution, then the Government can make appointments only in accordance with the rules.

The Hon'ble Apex Court further observed in **para 34** of the judgment as follows:—

Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our constitution and since the rule of law is the core of our constitution, a court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the constitution. Therefore, consistent with the scheme for public employment, this court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. It is a contractual appointment, appointment comes to an end at the end of the contract, if it were an engagement of appointment on daily wages or casual basis; the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of the terms of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service and made permanent merely on the

strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period employment has come to an end or of ad hoc employee who by the very nature of their appointment, do not acquire any right. High Courts acting under article 226 of the constitution of India, should not ordinarily issue directions for absorption, regularization, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Merely because an employee had continued under cover of an order of court, which we have described as litigious employment in the earlier part of the judgment, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the state the burden of paying an employee who is really not required. The courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affairs by the state or its instrumentalities or lend themselves the instruments to facilitate the bypassing of the constitutional and statutory mandate.

Thus, the workmen cannot claim right for the regularization of their services simply on account of the fact that they were employed by the FCI, which fact is also not proved on the file.

Though it is pleaded that daily wage workers are entitled to minimum pay scales as is being given to regular employees but this question need no determination as the reference is only regarding whether the workers are entitled to regularization of their services and the said fact is not proved on the file and they are not entitled to regularization of their services.

In result, the reference is decided against the workers and it is held that workmen are not entitled to any relief. The reference is accordingly answered against the workmen. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 586.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू. के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट

ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 530/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/03/2015 को प्राप्त हुआ था।

[सं. एल. 42012/147/2003-आई.आर. (सी.एम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 530/2005 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No 2, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Central Public Works Department, and their workmen, received by the Central Government on 11/03/2015.

[No. L-42012/147/2003-IR (CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri Kewal Krishan, Presiding Officer.

Case No. I.D. No. 530/2005

Registered on 22.8.2005

1. The Zonal Secretary, All India CPWD (MRM) Karamchari Sangathan (Regd) CPWD Store Building Sector 7B, Chandigarh,

2. Sh. Krishan Kumar, Son of Sh. Dalip Singh, Carpenter C/O All India CPWD (MRM) Karamchari Sangathan (Regd) through Zonal Secretary, CPWD Store Building, Sector 7B, Chandigarh.

.....Petitioner

Versus

1. The Director General (Works), CPWD, Nirman Bhawan, New Delhi.

2. The Executive Engineer, Chandigarh Central Division-I, CPWD, Kendriya Sadan, Sector 9A, Chandigarh

....Respondents

APPEARANCES

For the workman

Sh. S.D. Sharma, Adv.

For the Management

Sh. G.C. Babbar, Adv.

AWARD**Passed on 8.1.2015**

Central Government *vide* Notification No. L-42012/147/2003 IR(CM-II) Dated 29.7.2004, by exercising its powers under Section 10 sub-section (1) Clause (d) and sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

"Whether the contract between the management of CPWD and the contractor is sham? if so, the demands of All India CPWD (MRM) Karamchari Sangathan for reinstatement/regularization of Sh. Krishan Kumar in the establishment of CPWD is justified and to what relief he is entitled?"

In response to the notice, the workman appeared and submitted statement of claim pleading that he was employed by the respondent management as carpenter through a contractor w.e.f. 28.12.1996. That he worked under the complete control of the management and the work entrusted to him of perennial in nature. The workman continued working under different contractors *i.e.* M/s Ahluwalia, M/s Subhash Chand Goyal and Sons, M/s Flair Agencies, M/s Diwan Chand Singla and M/s Fire Well and others in pursuance of the contract awarded to them, but he was working under the direct supervision and control of the management continuously and without any break; and as such, there is a direct relationship of employer and employee between the respondent management and the workman and the contract entered into between the management and the contractor is a sham transaction and the arrangement was made just to escape the responsibility under the Industrial Disputes Act, 1947. That the Hon'ble High Court of Delhi gave certain directions in Civil Writ Petition No. 8741 of 1998 to absorb the contract workers and the Central Advisory Contract Labour Board submitted the recommendations dated 18.12.2001. Though the workman has been working regularly for the last so many years but his services were not regularized by the management. That his services are liable to be regularized as there are vacant posts of Pump Operators. He is also entitled to claim pay as is being given to regular employees performing the same function as is being performed by the workman. Since he has been working for the last more than seven years, his services are to be regularized.

The respondent management filed written reply controverting the averments and pleaded that there is no relationship of employer and employee between the parties. That the management entered into a contract with the contractor for the maintenance of General Pool Accommodation who deployed certain persons as per terms and conditions of the agreement. That the workman was not paid any wages by the department and he was not employed by it as Carpenter. That the amount was paid to the contractors who may be paying the wages to the

persons engaged by him. All other averments were also controverted.

In the replication, the workman reiterated the stand as set out in the statement of claim.

Parties were given opportunities to lead its evidence.

In support of its case, workman appeared in the witness box and examined Raj Kumar as well as Rajiv Kumar Bhardwaj.

Workman filed his affidavit reiterating the stand taken by him in the statement of claim.

Raj Kumar also filed his affidavit supporting the version of the workman. Rajiv Kumar Bhardwaj, a Junior Engineer of the management, had deposed that the workman was working under him as Carpenter and he used to report to him for duty. He produced the attendance sheets Exhibit WW1 to WW57.

On the other hand, the management has examined Sh. U.C. Sachdeva, Executive Engineer who filed his affidavit reiterating the stand taken by the management in the written statement.

I have heard Sh. S.D. Sharma, counsel for the workman and Sh. G.C. Babbar, counsel for the management and perused the file carefully.

It was vehemently argued by the learned counsel for the workman that workman has been working with the respondent management since 28.12.1996 who has direct supervision and control over the workman and contract entered into by the management with the contractor is a sham transaction. He has further pointed out that the workman worked under various contractors which is sufficient to prove that he has actually been working under the control of the management and the same is also clear from the attendance sheets Exhibit WW1 to WW57 as deposed by Rajiv Kumar Bhardwaj and therefore he is entitled for the regularization of his services. A contention was also raised that department has failed to examine the contractor and also failed to produce the summoned record and an adverse inference be drawn against it and the workman be granted the relief as claimed by him.

I have considered the contentions raised by the learned counsel for the workman.

It may be added that it is the case of the workman himself that he was engaged through a contractor and it is nowhere his case that he was employed by the management on contract basis. Since he was employed through a contractor, he cannot claim himself to be an employee of the respondent management. Though the statement of Rajiv Kumar Bhardwaj prove that the workman has been working with the respondent management continuously, but the same does not itself prove that he is actually an employee of the respondent management as it is not proved on the file that he was selected by the management or he was ever

paid any wages by it. Again there is nothing on the file to suggest that management has role in making the selection and taking any disciplinary action against him. Thus, it cannot be said that he is an employee of the respondent management simply by considering the length of service he did with the respondent management through the contractor and the contract entered into between the management and the contractor for providing services is a sham transaction. In the circumstances non-examination of the contractor and the production of any record is of no consequence.

Raj Kumar, a witness of the workman has admitted that the job of a carpenter is in 'Group C' category and there are Recruitment Rules for the recruitment of the Carpenter. There is nothing on the file that their workman was appointed as carpenter by following any rules for the obvious reason that he was employed by the contractor. In the circumstances, the workman is not entitled to the regularization of his services. In the latest pronouncement, Secretary State of Karnataka Vs. Uma Devi reported in A.I.R. 2006 S.C. 1806, the Hon'ble Apex Court observed that employees who were not appointed by observing the regular procedure and rules are not entitled to regularization of their services. The Hon'ble Apex Court observed in para 1 of the judgement as follows:—

Public employment in a sovereign socialist secular democratic republic, has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has provided also for affirmative action to ensure that unequals are not treated equals. Thus, any public employment has to be in terms of the constitutional scheme.

It was further observed in para 5 of the judgment as follows:—

The power of a state as an employer is more limited than that of a private employer in as much as it is subjected to constitutional limitation and cannot be exercised arbitrarily. Article 309 of the Constitution gives the Government the power to frame rules for the purpose of laying down the conditions of service and recruitment of persons to be appointed to public services and posts in connection with the affairs of the Union or any of the States. The article contemplates the drawing up of a procedure and rules to regulate the service conditions of appointees appointed to public posts. It is well acknowledged that because of this, the entire process of recruitment and for specifying the necessary qualifications, the mode of appointment etc. If rules have been made under Article 309 of the Constitution, then the Government can make appointments only in accordance with the rules.

The Hon'ble Apex Court observed in para 34 of the judgment as follows:—

Thus, it is clear that adherence to the rule of equality in public employment is a basic feature of our constitution and since the rule of law is the core of our constitution, a court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the constitution. Therefore, consistent with the scheme for public employment, this court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, appointment comes to an end at the end of the contract, if it were an engagement of appointment on daily wages or casual basis; the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or casual wage worker is continued from a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of an ad hoc employee who by the very nature of their appointment, do not acquire any right. High Court acting under article 226 of the constitution of India, should not ordinarily issue directions for absorption, regularization, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Merely because an employee had continued under cover of an order of court, which we have described as litigious employment in the earlier part of the judgment, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases the High Court may not be justified in issuing interim directions, since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such a manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would hold up the regular procedure for selection or impose on the state the burden of paying an employee who is really not required. The courts must be careful in ensuring

that they do not interfere unduly with the economic arrangement of its affairs by the state or its instrumentalities or lend themselves the instruments to facilitate the bypassing of the constitutional and statutory mandate.

Thus an employee who is not appointed as per terms of the relevant rules and regulations, his services cannot be regularized as stated above. Since the workman was not appointed as per any rules, he is not entitled to the regularization of his services as claimed by him.

Though it is not in the reference, the workman has claimed equal pay for equal work by stating that the job performed by him is also being done by the regular employees and he is entitled to the same pay as is given to the regular employees. As it is found that he is not an employee of the respondent management but is of the contractor, therefore, he cannot claim any parity with the regular employees of the respondent management.

In result it is held it is not proved that there is a relationship of employer and employees between the parties and the contract between the management and the contractor is a sham transaction. The workman is not entitled to regularization of his services or any other relief and accordingly the reference is answered against him. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 587.——औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफीसीआई के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 06/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 17/03/2015 को प्राप्त हुआ था।

[सं एल-22011/68/2009-आईआर (सीएम-II)]

मो॰ जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 06/2010 of the Cent. Govt. Indus. Tribunal-cum-Labour Court Lucknow Lucknow as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 17/03/2015.

[No. L-22011/68/2009-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

RAKESH KUMAR
PRESIDING OFFICER

I.D. No. 06/2010

Ref. No. L-22011/68/2009-IR(CM-II) dated 30.03.2010

BETWEEN

Shri Ved Ram & others
C/o Shri Chandra Mohan Shukla
365/7 Sadar Bazar
Lucknow

AND

1. The Regional Manager
Food Corporation of India
TC/3V, Vibhuti Khand
Gomti Nagar, Lucknow.
2. The Distt. Manager
Food Corporation of India
Depot Rauser Kothi
Shahjahanpur (U.P.)

AWARD

1. By order No. L-22011/68/2009-IR(CM-II) dated 30.03.2010 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Ved Ram & other, C/o Shri Chandra Mohan Shukla, 365/7, Sadar Bazar, Lucknow and the Regional Manager, Food Corporation of India, TC/3V, Vibhuti Khand, Gomti Nagar, Lucknow & the Distt. Manager, Food Corporation of India, Depot Rauser Kothi, Shahjahanpur (U.P.) for adjudication to this CGIT-cum-Labour Court, Lucknow.

2. The reference under adjudication is:

"Whether the demand of Shri Vedram & 261 others (As per list enclosed) for the their regularization with the management of FCI at Rouserkothi depot & Rail Head, Shahjahanpur is legal and justified? To what relief are the claimant workman entitled for?"

3. The case of the workman, in brief, is that the workman, Ved Ram & 261 others have been working at the Depot Rauser Kothi and Rail head District Shahjanpur of several years; and they have been engaged in loading and uploading work. It is submitted by the workmen that the management introduced the direct payment system in 8 depots, including Shahjahanpur but the management failed to do so. It is submitted that the contract system has been abolished in other 7 depots at Shahjahanpur by the

FCI vide their order dated 05.12.1994 and 06.12.1994; and accordingly, the workers at other depot are getting wages and other benefits from FCI only these 262 workmen involved in the present industrial dispute are deprived of the benefits. Accordingly, the workmen have prayed that their services may be regularized from 1972 onwards.

4. The management of the Food Corporation of India has disputed the claim of the workmen and stated that direct payment system has never been implemented at FSD, Rouserkothi depot and contract labour system is prevalent at Rouserkothi depot since its inception. In this regard it has been specifically submitted that Government of India has issued a notification of selected depots on 23.04.2010 in which name of FSD, Rouserkothi was not included. It is also submitted by the management of FCI that the workmen are not their employees rather they are engaged by some contractor, therefore they cannot raise any dispute against the FCI as the Food Corporation of India is not the employer of contract labours. The management has also raised objection against the manner of representation of the workmen by an unregistered union. Accordingly, the management of FCI has prayed that the claim of the workmen be rejected being devoid of any merit.

4. The workmen have filed its rejoinder wherein apart from reiterating the averments already made in the statement of claim, it has submitted that a committee constituted by the workmen under Industrial Disputes Act is authorized and empowered to spouse the cause of the workmen.

5. The parties have filed photocopy of documentary evidence in support of their respective claim. The workmen have filed evidence of Shri Ved Ram, Siya Nand, Amar Singh, Zahoor. The management cross-examined the workmen's witnesses; whereas the management has not produced any evidence in support of their claim. The parties forwarded oral argument in support of their respective stands.

6. Heard authorized representatives of the parties and perused entire evidence available on record.

7. The case of the workmen is that they are working with the management of FCI for more than 20 years and the management is treating them as contractual workmen and making payment accordingly. It is also the case of the workman that the contract labour system has been abolished by the Government of India *vide* notification dated 23.04.2010, prohibiting works of loading, unloading, stacking, destacking, restacking, standardization, weightment, sweeping and cleaning in the godowns and depots of the FCI. The name of Shahjahanpur Depot finds its reference in the schedule attached to it. It is also submitted by the workmen's representative that direct payment system has already been introduced in many depots of FCI, including Shahjahanpur depot of U.P. Region

vide letter dated 06.02.75, therefore, after abolition of contract labour system the labourers may be regularized and made payment and other benefits.

8. In rebuttal, the management has contended that the applicants are contractor's worker and they are not the employee of the FCI. Moreover, it is also argued that the notification dated 23.04.2010, prohibiting contract labour practice in Shahjahanpur Depot, has been challenged before Hon'ble High Court and the writ is pending, therefore, the statement of claim has no merit. Further, it has also been contended by the management that the direct payment system is not applicable in Rouserkothi Depot, where the workmen discharge their duties.

9. I have given my thoughtful consideration to the rival contentions of the parties.

10. The management of the FCI has come forward with the contention that the applicants under dispute are not their workmen rather they are workmen of the contracting agency. In rebuttal, the workmen's case is that the practice of contract labour has been abolished in FCI depot *vide* notification dated 23.04.2010 and the name of Shahjahanpur Depot finds its reference at serial No. 01, therefore, all the workmen alleged to be the workers of the Contractor be treated/deemed to be workmen of FCI. Though the management has contended that the said notification dated 23.04.2010, abolishing contract labour system has been challenged in a Writ Petition. Here it is necessary to mention that there is no order, on the record, staying the above notification dated 23.04.2010; neither is there any stay order by the Hon'ble High Court on the proceedings before this Tribunal. It is also noteworthy to mention that the notification dated 23.04.2010 has been issued by the Competent Government with in wake of the powers conferred upon it *vide* Section 10(1) of the Contract Labour (Regulation and Abolition) Act, 1970 and the above provision of the Act has not been declared void or ultra vires by the Hon'ble Apex Court, therefore, the notification issued in pursuance to the provision contained in the Act prevails good.

Hon'ble Apex Court in Air India's case (1997 AIR SCW 430) has observed as under:

"In this behalf, it is necessary to recapitulate that on abolition of the contract labour system, by necessary implication, the principal employer is under statutory obligation to absorb the contract labour. The linkage between the contractor and the employee stood snapped and direct relationship stood restored between principal employer and the contract labour as its employees. Considered from this perspective, all the workmen in the respective services working on contract labour are required to be absorbed in the establishment of the appellant."

Therefore, in view of the facts and circumstances of the case it is apparent that the workmen who are serving the FCI, the principal employer, since long through contracting agencies become employees of the FCI, on abolition of contract labour system in FCI *vide* notification dated 23.04.2010. Accordingly, on becoming employees of the FCI; and accordingly, the workmen become eligible for payment of wages and other benefits at par with other regular workmen of FCI *w.e.f.* 23.04.2010 so far as any order is not passed by any Competent Court/forum over notification dated 23.04.2010.

11. Thus, in view of the facts and circumstances of the case and discussions made hereinabove, I am of considered opinion that the workmen Shri Ved Ram and 261 others are entitled for regularization of their services and other consequential benefits at par with the other regular employees of the Food Corporation of India at Rourkothi Depot and Rail Head, Shahjahanpur.

12. The reference under adjudication is answered accordingly.

13. Awards above.

LUCKNOW.

19th January, 2015.

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 588.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईंसीएल के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय असनसोल के पंचाट (संदर्भ संख्या 09/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/173/2003-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 588.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 09/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Chinakuri Mine No. II of M/s Eastern Coalfield Ltd. and their workmen, received by the Central Government on 17/03/2015.

[No. L-22012/173/2003-IR (CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 09 OF 2004

PARTIES: The management of Chinakuri Mine No. II,
ECL.

Vs.

Sri Chandrika Kaloya

REPRESENTATIVES:

For the management: Shri P.K. Das, Ld. Advocate
For the union (Workman) Shri R.K. Tripathi, Org. Secy.,
KMC

INDUSTRY: COAL STATE: WEST BENGAL
Dated: 03.03.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/173/2003-IR (CM-II) dated 06.02.2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Chinakuri Mine No. II of M/s. ECL is not correcting the date of birth in respect of Sri Chandrika Kaloya as 1949 instead of 1943 mentioned in 'B' form is legal and justified? If not, to what relief the workmen is entitled?"

Having received the Order No. L-22012/173/2003-IR (CM-II) dated 06.02.2004 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 09 of 2004 was registered on 16.02.2004 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Sri R.K. Tripathi Chief Organizing Secretary of the Union (Koyla Mazdoor Congress) and Sri P.K. Das, Ld. Adv., for the management (Chinakuri Mine No.-II, ECL) are present.

Sri R.K. Tripathi submits that the case may be closed as the workman is no more interested to proceed with the

case further. Since the workman is now not interested to proceed with the case further the case is closed and a 'No Dispute Award' may be passed accordingly.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईंसीएल० के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 39/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/03/2015 को प्राप्त हुआ था।

[सं.एल-22012/170/1997-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 39/1998 of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfield Ltd. and their workmen, received by the Central Government on 17/03/2015.

[No. L-22012/170/1997-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

Before the Central Government Industrial Tribunal-cum-Labour Court, Asansol

Present : Sri Pramod Kumar Mishra,

Presiding Officer

Reference No. 39 of 1998

Parties : The management of Madhavpur Colliery, ECL

Vs.

Sri Kameshwar Tanti

Representatives:

For the Management : Shri P.K. Das, Ld.
Advocate

For the Union (Workman) : Shri Rakesh Kumar,
President, KMC

Industry	: Coal
State	: West Bengal
Dated	: 02.03.2015

AWARD

In exercise of power conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/170/97-IR(C-II) dated 30.07.1998 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Madhavpur Colliery under Kajora Area, P.O. Kajoragram, Dist. Burdwan in not granting pay protection to Sh. Kameshwar Tanti, Underground Loader on his conversion from piece rated to time rated workman is justified? If not, to what relief the workman is entitled?"

Having received the Order No. L-22012/170/97-IR(C-II) dated 30.07.1998 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 39 of 1998 was registered on 10.08.1998 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Sri Rakesh Kumar, President of the Union (Koyal Mazdoor Congress) appears but none appears on behalf of the management (Madhavpur Colliery, ECL).

Sri Rakesh Kumar has made an endorsement on the order sheet to the effect that the workman has retired and not interested to proceed with the case further. This is a very old reference of the year 1998. Since the workman has already retired from service and does not want to proceed with the case further, the case is closed and accordingly a 'No Dispute Award' may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईंसीएल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 48/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/47/2007-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 590.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 48/2007 of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Ltd. and their workmen received by the Central Government on 13/03/2015.

[No. L-22012/47/2007-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Sri Pramod Kumar Mishra,

Presiding Officer

Reference No. 48 of 2007

Parties : The management of Jambad Colliery, ECL

Vs.

Sri Nirmal Bouri

Representatives:

For the Management : Shri P.K. Goswami, Ld. Advocate

For the Union (Workman) : Shri Rakesh Kumar,
President, KMC

Industry : Coal

State : West Bengal

Dated : 11.02.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/

47/2007-IR(CM-II) dated 05.07.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Jambad Colliery in dismissing Shri Nirmal Bouri w.e.f. 03.03.2003 is legal and justified? If not, to what relief is the workman entitled?"

Having received the Order No. L-22012/47/2007-IR (CM-II) dated 05.07.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 48 of 2007 was registered on 18.07.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that the union/ workman has not filed written statement till date in-spite of several opportunities. Registered notices were issued to the union on 19.07.2007, 03.08.2009, 09.12.2011, 21.05.2012 and 08.08.2014 but to no effect. It seems that the union/ workman is not at all interested to proceed with the case further. As such the case is closed and accordingly a "No Dispute Award" may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 591.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईंसीएल० के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 8/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/263/2006-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 591.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 08/2007 of the Central

Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Bankola Area of M/s. ECL and their workmen, received by the Central Government on 13/03/2015.

[No. L-22012/263/2006-IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Shri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 08 OF 2007

PARTIES: The management of Shyamsunderpur Colliery,
ECL.

vs.

Shri Ram Pratap Harijan

REPRESENTATIVES:

For the management : Shri P.K. Goswami, Ld.
Advocate

For the union (Workman) : Shri Rakesh Kumar,
President (KMC)

INDUSTRY : COAL

STATE : WEST BENGAL

Dated: 10.02.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/263/2006-IR (CM-II) dated 18.01.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Shyamsunderpur Colliery under Bankola Area of M/s. Eastern Coalfields Limited, in dismissing Mr. Ram Pratap Harijan from service w.e.f. 06.1.2005 is legal and justified? If not, to what relief is the workman entitled?"

Having received the Order NO. L-22012/263/2006-IR (CM-II) dated 18.1.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for

adjudication of the dispute, a reference case No. 08 of 2007 was registered on 19.02.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that a petition has been filed by Sri Rakesh Kumar, President of the union on 01.09.2014 praying therein that the case may be closed as the workman has died and his wife and son are not interested to proceed with the case further. Since the workman has died and his heirs are not interested to proceed with the case further, the case is closed. As such the case is closed a 'No Dispute Award' may be passed accordingly.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 592.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 33/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/2/2002-आईआर (सीएम-II)]

मे. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award Ref. 33/2002 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Chora 7&9 Pit, Kenda Area of M/s E.C.Ltd. and their workmen, received by the Central Government on 13/03/2015.

[No. L-22012/2/2002 - IR (CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Shri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 33 OF 2002

PARTIES: The management of 7 & 9 Pit of Chora Colliery, ECL.

Vs.

Smt. Chand Muni Bhuia

REPRESENTATIVES:

For the management : Shri P.K. Goswami, Learned Advocate

For the union (Workman) : None

INDUSTRY : COAL

STATE : WEST BENGAL

Dated: 04.02.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/2/2002-IR (CM-II) dated 14.08.2002 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of 7 & 9 Pit of Chora Colliery, Kenda Area of M/s. Eastern Coalfields Limited in not providing employment to Smt. Chand Mun Bhuia, W/o Late Gopal Bhuia, U.G. Loader is legal and justified, if not to what relief is the workman entitled?"

Having received the Order NO. L-22012/2/2002-IR (CM-II) dated 14.8.2002 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 33 of 2002 was registered on 10.09.2002 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Sri P.K. Goswami, Learned Advocate for the management appears but none appears on behalf of the union/workman.

On perusal of the case record I find that the case was registered on 10.09.2002. First notice was issued on 31.02.2002. I also find from the record that the workman last appeared before the Tribunal on 17.01.2008 through his advocate Mr. M. Mukherjee. After 17.01.2008 the workman neither appeared nor took any step. 34 dates after 17.01.2008 were granted to the union/workman but to no effect. 3 notices were issued to the parties after 17.01.2008. Last notice was issued on 30.09.2014. Four months have already passed after last notice. It seems that the workman is now not at all interested to proceed with the case further. As such the case is closed a 'No Dispute Award' may be passed accordingly.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईंसीएल० के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 12/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/67/2009-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 12/2010 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of M/s Eastern Coal-fields Limited, and their workmen, received by the Central Government on 13/03/2015.

[No. L-22012/67/2009-IR (CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 12 OF 2010

PARTIES : The management of Khas Kajora Colliery,
ECL.
Vs.
Sri Ram Niwas Rajbhar

REPRESENTATIVES:

For the management	:	None
For the union (Workman)	:	None
INDUSTRY	:	COAL
STATE	:	WEST BENGAL

Dated: 02.02.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/67/2009-IR (CM-II) dated 26.02.2010 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of M/s. ECL in dismissing Shri Ram Niwas Rajbhar w.e.f. 01.12.2007 is legal and justified? To what relief is the claimant entitled for?

Having received the Order NO. L-22012/67/2009-IR (CM-II) dated 26.02.2010 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 12 of 2010 was registered on 18.03.2010 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that neither the workman/union nor the management appeared before the court even for a single day. Registered notices were sent to the parties on 19.03.2010, 11.01.2012, 14.06.2012 and 18.09.2014. But all are in vain. Even more than two months have already elapsed from the issue of last notice. Neither party turned up. It seems that the parties are not interested to proceed with the case further. Since the workman is not interested to proceed with the case further I think it reasonable to close this case. As such the case is closed and accordingly a 'No Dispute Award' may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईंसीएल० के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 49/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/140/1996-आईआर (सीएम-II)]

मौ. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 49/1997 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited, and their workmen, received by the Central Government on 13/03/2015.

[No. L-22012/140/1996-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 49 OF 1997

PARTIES: The management of Kottadih Colliery, ECL.

Vs.

Sri Dinabandhu Kanjia

REPRESENTATIVES

For the management	:	None
For the union (Workman)	:	None
INDUSTRY	:	COAL
STATE	:	WEST BENGAL

Dated: 27.01.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/140/1996-IR(C-II) dated 11.07.1997/15.07.1997 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Shyamsunderpur Colliery under Bankola Area of M/s. Eastern Coalfields Limited, in dismissing Mr. Ram Pratap Harijan from service *w.e.f.* 06.01.2005 is legal and justified? If not, to what relief is the workman entitled?"

Having received the Order No. L-22012/140/1996-IR(C-II) dated 11.07.1997/15.07.1997 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 47 of 1997 was registered on 28.07.1997 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) had reserved an award in this case because the workman is neither appearing nor taking any step since long. It seems that the workman is now no more interested to proceed with the case further. The case is also too old-1997. Under such circumstance I think it reasonable to pass a No Dispute Award in this case. As such the case is closed and a 'No Dispute Award' may be passed accordingly.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईंसीएल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 17/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/65/2009-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 17/2010 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Kenda Area of M/s. ECL, and their workmen, received by the Central Government on 13/03/2015.

[No. L-22012/65/2009-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

PRESENT : Sri Pramod Kumar Mishra.

Presiding Officer

REFERENCE NO. 17 OF 2010

PARTIES : The management of Shankarpur O.C.P., Kenda Area, ECL.

Vs.

Sri R.S. Ghosh and 29 others

REPRESENTATIVES:

For the management : None

For the union (Work-woman) : None

INDUSTRY : COAL

STATE : WEST BENGAL

Dated: 27.01.2015.

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/65/2009-IR(CM-II) dated 07.06.2010 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Shankarpur O.C.P. Kenda Area M/s. ECL in denying payment of LTC/LLTC to Sri R.S. Ghosh and 29 others (as per annexure) is legal and justified? To what relief are their workmen concerned entitled for?"

Having received the Order No. L-22012/65/2009-IR(CM-II) dated 07.06.2010 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 17 of 2010 was registered on 21.06.2010 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that none of the parties appeared before the court for a single day. Registered notices were issued to both of the parties on 13.12.2011, 18.05.2012 and 08.10.2014 but nobody turned up. A/D card shows that registered notice was duly received by the General Secretary of the union on 18.10.2014 but to no effect. It seems that none of the parties are interested to proceed with the case further. As such the case is closed and accordingly a 'No Dispute Award' may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PROMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 596.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंसोएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 48/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं.एल-22012/120/2002-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 48/2002 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of and their workmen, received by the Central Government on 13/03/2015.

[No. L-22012/120/2002-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Shri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 48 OF 2002

Parties : The management of Madhujore Colliery, ECL
Vs.

Shri Jagdish Halder

REPRESENTATIVES:

For the management : Shri P.K. Das, Ld.
Advocate

For the union (Workman) : Shri Rakesh Kumar,
President, KMC

INDUSTRY : COAL

STATE : WEST BENGAL

Dated: 22.01.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/120/2002-IR(CM-II) dated 28.11.2002 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Madhujore Colliery of M/s. ECL in not considering the date of birth of Shri Jagdish Halder *i.e.* 19.11.1954 as recorded in his Matriculation Certificate. Identity Card etc. and sending him before the Age Assessment Committee is legal and justified? If not, to what relief is the workman entitled?"

Having received the Order No. L-22012/120/2002-IR(CM-II) dated 28.11.2002 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 48 of 2002 was registered on 30.12.2002. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

The workman has pleaded in his written statement that Sri Jagdish Halder, Electrician of J.K. Unit of Madhujore

Colliery of M/s. ECL was appointed on 16.08.1974 as permanent worker of the company. At the time of appointment workman, Sri Jagdish Haldar submitted Matriculation Certificate. In Matriculation certificate the age of Sri Jagdish Haldar was recorded as 19.11.1954. This date of birth 19.11.1954 was recorded in colliery register. In his identity card also the date of birth was recorded as 19.11.1954. Service except was served to him in which the date of birth of the workman was recorded as 19.11.1954. Management instructed the workman to appear before the Age Assessment Committee with Matriculation Certificate. But Age Assessment Committee without considering the Matriculation Certificate of the workman and I. I. No. 76 issued by JBCCI assessed the age of the workman, Sri Jagdish Haldar as 07.04.1941 on 07.10.1993. Workman represented before authorities concerned at headquarter level but management paid no heed. Management did not follow the guidelines of JBCCI. Workman has prayed that his date of birth should be accepted by the management as 19.11.1954 which is recorded in his Matriculation certificate and he should be allowed to resume his duties with full back wages and all consequential benefits.

Management on other hand has pleaded in their written statement that Sri Jagdish Haldar never disclosed his date of birth as 19.11.1954 at the time of his appointment at the colliery *i.e.* 01.10.1974. Therefore no date of birth was recorded in the Service Record of the workman. Workman was directed to appear before the Age Assessment Committee on 07.10.1993 *vide* Office Order No. MJ/SRPO/ 93/1274 dated 29.09.1993/01.10.1993. The Age Assessment Committee assessed the age of the workman as 50/55 years as on 17.10.1993. Workman filed suite No. 14 of 1999 in civil court and writ petition in hon'ble Kolkata high court. But both civil suite and writ petition was dismissed. Management has denied that the age of the workman as 19.11.1954 was recorded in any record or register of the company. Industrial dispute is not maintainable workman is not entitled to any relief.

Workman has filed the following documents:—

- (1) Xerox copy of Identity Card, age recorded 19.11.1954.
- (2) Xerox copy of the Service excerpts in which age recorded as 19.11.1954.
- (3) Xerox copy of the Admit Card and Matriculation certificate in which the date of birth recorded as 19.11.1954.
- (4) Xerox copy of the letter of agent of Madhujore Colliery direction the workman to appear before the area Dy. CPM, Kajora Area along with original documents.
- (5) Xerox copy of employment exchange card of Sri Jagdish Haldar.

- (6) Xerox copy of national Apprenticeship certificate of Sri Jagdish Haldar.
- (7) Xerox copy of the letter of PM (Estd.) ECL H.Q. addressed to PM, Kajora Area dated 05.03.1996 to confirm the fact that during assessment of Age of Sri Jagdish Haldar produced the Matriculation certificate or not?
- (8) Xerox copy of the reply of the letter of H.Q. dated 05.03.1996 by PM (IC), Kajora Area dated 18.03.1996 confirming the fact that Sri Jagdish Haldar produced the Matriculation Certificate before Age Determination Committee but committee (ADC) not accepted the same.
- (9) Xerox copy of the letter of PM (IC), Kajora Area dated 18.01.1995 in which similar case of date of birth dispute of Sri Pareshnath Sikdar was accepted on the basis of Matriculation and Mining Sirdarship certificate the basis of I.I. No. 76 point B1(b).
- (10) Xerox copy of the I.I. No. 76 issued by JBCCI.
- (11) Xerox copy of the Affidavit and certificate issued by Pradhan that Jagdish Ch. Haldar and Jagdish Haldar is the same and identical person.

The workman, Sri Jagdish Haldar examined himself as witness.

Management has not filed any oral or documentary evidence in their support.

I have heard the argument of Sri Rakesh Kumar on behalf of the union/workman and Sri P.K. Das Learned Advocate on behalf of the management.

Sri P.K. Das Ld. Advocate of the management has argued that at the time of appointment the date of birth is recorded as disclosed by the workman. At the fag end of career if any worker disputes his date of birth that cannot be accepted. Management has relied on FLR 393 2012 (135). C.W.J.O.S.W.P. No. 1089 of 2010. Jamadar Ahmed Vs. State of West Bengal and others. Sri Rakesh Kumar, union representative have argued that the fact of this reference is different from the case law cited by the management. The workman Sri Jagdish Haldar has disclosed his date of birth as 19.11.1954 as recorded in the Matriculation certificate. The date of birth was recorded in his service record by the management at the time of appointment. He was served with copies of service excerpts which confirm his date of birth as 19.11.1954. Later on he was forced by the management to appear before Age Assessment Committee. He submitted his Matriculation certificate before Age Assessment Committee. But Age Assessment Committee neither considered his Matriculation certificate nor followed the guidelines issued by JBCCI. Age Assessment Committee whimsically recommended his date of birth as 07.04.1941 which should have been accepted.

It is admitted fact that Sri Jagdish Haldar is permanent employee of Madhujore Colliery of M/s. ECL. He has filed his Appointment Letter dated 16.08.1974. He was appointed as Mechanical/Electrical Trainee. Workman, Sri Jagdish Haldar has submitted copy of Implementation Instruction No. 76 issued by JBCCI, prescribed as follows:—

(A) Determination of the age at the time of appointment:—

(i) Matriculates:

In the case of appointees who have passed Matriculation or equivalent examination, the date of birth recorded in the said certificate shall be treated as correct date of birth and the same will not be altered under any circumstances.

(B) Review/determination of date of birth in respect of existing employees:—

1. (i) In case of the existing employees Matriculation certificate or Higher Secondary Certificate issued by the recognized Universities or Board of Middle Pass Certificate issued by the Board of Education and/or Department of Public instruction and admit cards issued by the aforesaid Bodies should be treated as correct provided they were issued by the said Universities/Boards/ Institutions prior to the date of employment.

(ii) Similarly, Mining Sirdarship, Winding Engine or similar other statutory certificates where the Manager had to certify the date of birth will be treated as authentic. Provided that where both documents mentioned in 1(i) and 1(ii) above are available, the date of birth recorded in 1(i) will be treated as authentic.

2. Wherever there is no variation in records, such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the Management. The Management after being satisfied on the merits of the case will take appropriate action for correction through Age Determination Committee/Medical Board.

(C) Age determination Committee/Medical Board for the above will be constituted by the Management. In the case of employees whose date of birth can not be determined in accordance with the procedure mentioned in (B) 1 (i) or (B) 1 (ii) above, the date of birth recorded in the records of the

company, namely, Form B Register, CMPF Records and Identity Cards (un-tampered) will be treated as final. Provided that where there is a variation in the age recorded in the records mentioned above, the matter will be referred to the Age Determination Committee/Medical Board constituted by the Management for determination of age.

The workman has filed the copy of excerpts issued to him by the management as WE-2. In his service record his date of birth was recorded as 19.11.1954 (Nineteenth November Nineteen Hundred Fifty Four), his date of appointment is 01.10.1974 and his educational qualification is B.Sc. Workman has filed a copy of I.D. card. In I.D. card his date of birth is recorded as 19.11.1954. Workman filed a copy of admit card of West Bengal Board of Secondary Education and copy of Matriculation certificate as WE-XIV. WE-XIII. In both of these documents his date of birth was recorded as 19.11.1954. It is worth to mention that the management has not denied his educational qualification as per Service Record of Sir Jagdish Haldar maintained by the colliery. His educational qualification is B.Sc. and his date of birth is 19.11.1954. As per guidelines of BCCI at the time of appointment the age record in Matriculation certificate shall be recorded in the Service Record and that will be the final.

The allegation of management in Para 3 of their written statement is absolutely wrong. That at the time of appointment of Sri Jagdish Haldar no date of birth was recorded in the Service Record. The copy of Service Record has been issued by the management himself to the workman concerned. I am unable to understand when there is no variation regarding his date of birth in Service Record of concerned workman then why the management instructed Sri Jagdish Haldar to appear before the Age Assessment Committee. The copy of letter of agent and manager of Madhujore Colliery of M/s. ECL has been filed by Sri Jagdish Haldar. Sri Jagdish Haldar was instructed by the agent of Madhujore Colliery to appear before Dy. C.M. along with his School Leaving Certificate for his age dispute. He was directed to appear before Age Assessment Committee. It is surprising that Age Assessment Committee did not consider the date of birth recorded in Matriculation certificate rather assessed his date of birth as 07.04.1941.

Workman Sri Jagdish Haldar filed affidavit. He has supported his version of written statement in his affidavit. He has stated in his cross-examination that at the time of appointment he had filed the Higher Secondary Certificate and Admit Card. In his Service Record his date of birth was recorded as 19.11.1954. He was forced to appear before the Age Assessment Committee who wrongfully assessed his date of birth as 07.04.1941.

The management has placed reliance on FLR 393 2012 (135), C.W.J.O.S.W.P. No. 1089 of 2010, Jamadar Ahmed vs. State of West Bengal and others, in this case petitioner

joined service in 1975. At the time of appointment he signed Declaration and Nomination Form and mentioned his year of birth as 1941. During 30 years of service he never applied for correction of date of birth in his Service Record. At the time of retirement he disputed his date of birth. Hon'ble Kolkata High Court held that at the fag end of career a party can not be allowed to raise a dispute regarding his date of birth. I am in respectful agreement with the view propounded by Hon'ble Kolkata High Court. But the fact of this reference is different. In this reference date of birth of concerned workman was correctly recorded in Service Record as per Matriculation Certificate. But management without any reason instructed the workman to appear before the Age Assessment Committee. Even the Age Assessment Committee did not consider the date of birth recorded in the Medical Certificate of the workman concerned.

In view of the discussion above the action of the management of Madhujore Colliery of M/s. ECL in not taking into consideration the date of birth of Sri Jagdish Haldar in Matriculation Certificate as 19.11.1954 and sending him before the Age Assessment Committee is totally unjustified. The workman is entitled that this age should be recorded in his service record as per Matriculation Certificate as 19.11.1954. He is also entitled to get 50% back wages and all consequential benefits.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA Presiding Officer

नई दिल्ली, 17 मार्च, 2015

का.आ. 597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध 1 में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमन्यालय गोदावरीखनी के पंचाट (संदर्भ संख्या 52/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.03.2015 को प्राप्त हुआ था।

[सं० एल-22013/1/2015-आईआर (सी-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Indus. Tribunal-cum-Labour Court, Godavarikhani (IT/ID/52/2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 17.03.2015.

[No. L-22013/1/2015-IR (C-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT : Sri G.V. Krishnaiah
Chairman-cum-Presiding Officer

INDUSTRIAL DISPUTE NO. 52 OF 2000

Thursday, the 31st day of July, 2014

BETWEEN:

R. Syam Sundar, S/o. Rajanna, Age 47 years,
R/o 16-9-749/41/1, Race Course Road,
Malakpet, Hyderabad.

.... Petitioner.

AND

The General Manager,
Singareni Collieries Co. Ltd., Ramagundam-I,
Ramagundam, Dist. Karimnagar.

.... Respondent.

This case coming before me for final hearing in the presence of Sri P. Vishweswar Rao and Sri R. Damodar, Advocates for the petitioner and of Sri D. Krishna Murthy, Advocate for the Respondent; and having been heard and having stood over for consideration till this day, the Court delivered the following:—

AWARD

This petition is filed U/Sec. 2-A(2) of the Industrial Disputes Act, 1947 praying this court to set aside the termination order dt. 6-1-1999 passed by the respondent and direct the respondent to reinstate the petitioner into service with continuity of service, back wages and other attendant benefits.

2. The averments of the petition are that the petitioner joined as Badli Filler on 13-09-1947 at 7/7A Incline. Subsequently petitioner was transferred to the medical department, area hospital Godavarikhani in the year 1977. Since 1988 the petitioner has been entrusted with the duties of clerical grade-III. The petitioner's duties were to issue on patient slips and to make entry in the registers. The petitioner was working at Kakatiya Dispensary and certain irregularities were found in the performance of his duties.

3. The petitioner was issued with charge sheet dt. 27-7-1998 with the following charges:—

- i. "Not sending the unfit to concerned mines knowingly.
- ii. Keeping the hospital records at residence without permission from superiors.
- iii. Not maintaining the triplicate copy in the unfit book and fit books.

iv. Several workers declared unfit at Kakatiyanagar Dispensary without advise of the concerned Doctor. The above said acts of yours, amounts to misconduct under company standing orders No. 25.1, 25.3 & 25.5".

Petitioner submitted his detailed explanation to the said charges on 2-8-1998 denying the charges levelled against him. However, the respondent without considering the facts and circumstances, appointed an enquiry officer to conduct enquiry into the charges. The enquiry officer conducted the enquiry in gross violation of principles of natural justice. The enquiry officer did not give any opportunity to the Petitioner to cross examine the management witnesses during the course of enquiry. The enquiry officer did not consider any of the evidence put forth by the Petitioner and he acted in a biased manner and made the Petitioner guilty of the charges in his enquiry report dt. 9-9-1998. Basing on the said enquiry report, the respondent dismissed the Petitioner from service. The said dismissal order was completely illegal and based on no merits. Therefore the Petitioner prays to set aside the termination order dt. 6-1-1999 passed by the respondent and direct the respondent to reinstate the Petitioner into service with continuity of service, back wages and other attendant benefits.

4. The respondent filed his counter denying all the allegations in the petition putting the Petitioner to strict proof of all those allegations. The Petitioner was appointed as General Mazdoor *w.e.f.*, 13-9-1974 at GDK. No. 7A Incline. Later the Petitioner was transferred to area hospital *w.e.f.*, 27-7-1977. The Petitioner was promoted as Ward Boy *w.e.f.*, 1-1-1978. The Petitioner was suspended for 10 days from 20-5-1980 to 29-5-1980 as per the standing orders for the misconduct of demanding illegal gratification from the newly appointed persons.

5. On behalf of the respondent, it is contended that the charges levelled against the Petitioner stand proved on account of the abundance of the evidence available on record and the same have been proved by giving full and fair opportunity to the Petitioner at each and every stage of the case. Therefor, the respondent prays to dismiss the petition.

6. On behalf of the respondent, Ex. M-1 to Ex. M-11 were already marked. No documents are marked on behalf of the Petitioner.

7. Heard both sides. Perused the material papers on record.

8. Now the point for consideration is:—

"Whether the findings in the domestic enquiry are baseless and if the enquiry findings are supported by evidence, whether the punishment is justified"?

9. After this I.D., was remanded by the Hon'ble High Court, order was passed on 11-10-2013 upholding the

procedure in the enquiry. In order to interfere with the enquiry report, there must be material to show that the findings are perverse and baseless. At the outset I may state that the explanation of the Petitioner to the charge sheet is silent regarding the 4th charge. During the enquiry, Petitioner asserted that he can defend himself and stated that he has no evidence to adduce. He admitted the charges against him. There is nothing on record now to show that Petitioner admitted the charges out of coercion or mistake. Records which should have been kept in the office were found in the possession of the Petitioner in his residence and he kept them for four days. Those records were collected by another clerk by name Gangadhar Rao. Under these circumstances, I do not find any reason to disagree with the findings of the enquiry officer.

10. Regarding the punishment of dismissal, the acts of misconduct committed by the Petitioner make out that he did not act in good faith and he forfeited the confidence of his employer. Therefore, I hold that the punishment is justified.

11. In the result, the petition is dismissed.

Typed to my dictation, corrected and pronounced by me in open Court, on this the 31st day of July, 2014.

SHRI G V. KRISHNAIAH, Chairman-cum-Presiding Officer

Appendix of Evidence Witnesses Examined

For workman:—	For Management:—
-Nil-	-Nil-

EXHIBITS

For workman:—	-Nil-	
For Management:—		
Ex. M-1	Dt. 15.05.1980	Warning letter issued to petitioner by respondent, x. copy
Ex. M-2	Dt. 30.04.1980	Charge sheet issued to petitioner reg. bribery, x. copy
Ex. M-3	Dt. 27.07.1998	Charge sheet
Ex. M-4	Dt. 02.08.1998	Reply to the charge sheet dt. 27-7-1998
Ex. M-5	Dt. 02.08.1998	Enquiry notice
Ex. M-6	Dt. 07.08.1998	Enquiry proceedings along with enquiry material record / documents (hospital medical prescriptions)

Ex. M-7	Dt.	07.08.1998	Enquiry report
Ex. M-8	Dt.	20.10.1998	Show-cause notice
Ex. M-9	Dt.	23.10.1998	Ack, to show-cause notice
Ex. M-10	Dt.	06.01.1999	Dismissal order
Ex. M-11	Dt.	29.03.1999	Letter issued to the petitioner by the Director (CP&P) for dismissal order of petitioner is confirmed.

AND

1. The Dy. General Manager, SCCo. Ltd., KK-5 Incline, PO: Mandamarri, Dist. Adilabad (A.P).
2. The General Manager, SCCo. Ltd., Mandamarri Area-1, PO: Mandamarri, Dist. Adilabad (A.P).
3. The Chairman & Managing Director, SCCo. Ltd., PO: Kothagudem, Dist., Khammam (A.P).

.... Respondents/Management

नई दिल्ली, 17 मार्च, 2015

का.आ. 598.——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस-सी-सी-एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखनी के पंचाट (संदर्भ संख्या 06/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/03/2015 को प्राप्त हुआ था।

[सं. एल-22013/1/2015-आईआर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 17th March, 2015

S.O. 598.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Indus. Tribunal-cum-Labour Court, Godavarikhani (IT/ID/06/2010) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 17.03.2015.

[No. L-22013/1/2015-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM-VIADD. DISTRICT & SESSION COURT, GODAVARIKHANI

Present : Sri G.V. Krishnaiah,
Chairman-cum-Presiding Officer

Tuesday, the 5th Day of August, 2014

INDUSTRIAL DISPUTE NO. 06 OF 2010

Between:

Sk. Raj Mohammad, S/o Ramzan, 39 Yrs,
Occ: Ex. Badli Filler,
EC. No. 2364191, KK, 5 Incline, House No. 4-2-96, Tekula
Basti, PO: Bellampalli, Dist. Adilabad. (A.P.)

..... Petitioner/Workman

This Industrial Dispute petition coming on before me for final hearing in the presence of Sri N. Kishan Rao, Advocate, for the petitioner and Sri D. Krishna Murthy, Advocate, for the respondents, and the matter having stood over before me for consideration till this date, the Court passed the following:

AWARD

1. This Industrial Tribunal Case was filed on 08.01.2010 to set aside the dismissal order dt. 14.09.2007 issued by second respondent.

2. The case of the petitioner is that he worked as Badli Filler in the Respondent's company and without proper enquiry he was dismissed from service. It is alleged in the petition that petitioner met with road accident in the year 2004 and due to that he could not attend his duties regularly and therefore following charge was framed against him under Company's Standing Order No. 25.25 alleging that

"For your habitual absence from duty without sufficient cause during January to December, 2004 and worked for (11) musters."

Petitioner submitted his explanation dt. 22.07.2005 explaining his ill-health and inability to attend coal filling underground duty but without conducted proper enquiry and without considering his explanation Enquiry Officer gave biased finding and as a consequence petitioner was dismissed from service. It is alleged that the harsh punishment of dismissal is contrary to principals of natural justice and amounts to unfair labour practice and victimization. Petitioner was not given any Show-Cause Notice before his dismissal.

3. Respondent No. 1 filed counter with the following objections. This tribunal has no jurisdiction and it is Industrial Tribunal-cum-Labour Court at Hyderabad established for adjudication of industrial disputes, which has got jurisdiction. The petitioner was appointed as Badli Filler on 12.04. 1999 and has undergone Mines Vocational Training as per the Mines Act. The attendance of the petitioner from the year 2000 to 2007 is as follows:

Sl. No.	Year	No. of musters
1.	2000	107
2.	2001	71

Sl. No.	Year	No. of musters
3.	2002	60
4.	2003	101
5.	2004	11
6.	2005	95
7.	2006	53
8.	2007	42 (01.01.2007-19.09.2007)

and the petitioners' attendance was very poor from January, 2004 to December, 2004 *i.e.* (11) days of duty performed by the petitioner, charge sheet was issued to him on 11.07.2005. Petitioner received charge sheet and submitted his explanation, attended enquiry on 24.08.2005 and admitted his guilt. Petitioner was given ample opportunity in the enquiry proceedings. Enquiry Officer gave report dt. 02.09.2005 holding that the petitioner is guilty of misconduct of Company's standing order. After completion of enquiry petitioner was issued Show Cause Notice dt. 25.03.2006 along with copies of enquiry proceedings giving him an opportunity to make his representation if any. The petitioner received notice on 11.11.2006 but failed to submit any explanation. Petitioner was counseled for improving his attendance and was put on observation on two occasions. For the first time on 25.08.2005 the petitioner was counseled soon after issuance of charge sheet. The petitioner assured to improve his attendance. Petitioner was put on observation from 1.09.2005 to 30.11.2005 with a condition to put in atleast 18 filling musters per month and to fill two tubs per muster. But the petitioner failed to do so. Later on petitioner was counseled on 11.11.2006 for the second time after issuing show-cause notice dt. 25.03.2006. The petitioner attended counseling on 11.11.2006 and assured to improve his attendance and accordingly he was put on observation from 1.11.2006 to 31.01.2007. The petitioner was asked to put in atleast 16 musters per month and to fill two tubs per muster. The attendance of the petitioner during the observation period is as follow:

Sl.No.	Observation period	No. of actual muster put in		No. of tubs filled
		Filling	Acting	
1.	01.09.2005 to 30.11.2005	25	6	35
2.	01.11.2006 to 31.01.2007	Nil	13	Nil

The petitioner failed to improve his performance, he was dismissed from service *vide* proceedings dt. 14.09.2007 with effect from 19.09.2007. Therefore the imposition of punishment against the petitioner is justified. According to Sec. 52(2) of Mines act, the underground employee must

put in minimum musters of (190) days in a Calender year. But petitioner's performance shows that he is a chronic and habitual absentee. Therefore the petition may be dismissed.

4. This Counter filed by Respondent No. 1 was adopted by respondents 2 & 3.

5. When the matter came up for hearing Advocate for petitioner filed a memo u/s. 11(A) of I.D. Act., stating that petitioner is not disputing validity of enquiry. Subsequently the matter is heard and Exs. M-1 to M-10 are marked on behalf of the Management and Ex. W-1 to W-4 are marked on behalf of the petitioner.

6. Now the point for consideration is whether the dismissal of the petitioner from service is justified?

7. **Point:**—Most of the facts are admitted in this case. That the petitioner worked only for (11) days during the year 2004 and subsequently during the two periods of observation also he did not put in necessary musters are admitted fact. In this particular case, the petitioner was not dismissed from service soon after the enquiry Officer gave his report. Subsequently also he was given a chance to improve his performance. He failed in both the period of counseling. In the second period of counseling from 1.11.2006 to 31.7.2007 petitioner did not work as filler. In the first period of observation he worked as filler for (25) days but the number of tubs filed is only 35 and the required number of tubs to be filled was (50) for (25) days. Even if we look at the performance of petitioner prior to 2004 he had never worked for more than 200 days in the year 2000 and 2003 and for all the years his attendance was averaging 60 to 70 days. Even after he was issued charge sheet he worked only for (53) days in the year 2006.

8. Coming to the inclination on the part of the petitioner to get reinstated, he approached Tribunal $2\frac{1}{2}$ years later for reinstatement. In the petition it is contended that petitioner was not issued a notice before being dismissed for service but Ex. M-7 shows that he was issued a comprehensive notice about the enquiry report. Thus the record shows that the petitioner was given more than sufficient opportunities to mend himself but he failed to do so. With regard to the reason for the poor attendance of the petitioner during the year 2004, no material is produced before this Tribunal about the injuries sustained by the petitioner in the accident and the treatment taken by him. In the absence of any supporting evidence the plea of the petitioner can not be accepted. Petitioner failed to mention in his petition about the two counsellings given to him. There is also an explanation as to why he could not improve his performance during the two periods of observation mentioned above. Therefore this is a clear case where the petitioner was not inclined to attend duties regularly and though the delay of $2\frac{1}{2}$ years is not a big delay in approaching this Tribunal, it shows the nonchalant attitude of the petitioner in asserting his rights.

9. Therefore viewed from any angle, the petitioner is unable to make out that he was prevented from attending duties because of reasons beyond his control. This is a case where disinclination to attend duties is apparent. Therefore this Tribunal is compelled to hold that petitioner is not entitled to any relief.

10. In the result, the petition is dismissed.

Dictated to Stenographer Gr. I, transcribed by her, corrected and pronounced by me in the open court on this the 5th day of August, 2014.

G V. KRISHNAIAH, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses Examined

For workman:—

-Nil-

For Management:—

-Nil-

EXHIBITS

For workman:—

Ex. W-1	Dt.	14-09-2007	Dismissal order
Ex. W-2	Dt.	18-09-2007	Memo regarding petitioner's name removed from the rolls
Ex. W-3	Dt.	13-07-2009	Demand notice
Ex. W-4	Dt.	15-07-2009	Postal Act., card of respondent

For Management:—

Ex. W-1	Dt.	11-07-2005	Charge sheet
Ex. W-2	Dt.	22-07-2005	Reply to charge sheet
Ex. W-3	Dt.	19-08-2005	Enquiry notice
Ex. W-4	Dt.	24-08-2005	Proc., of enquiry
Ex. W-5	Dt.	25-08-2005	1st counseling proceedings
Ex. W-6	Dt.	02-09-2005	Enquiry report
Ex. W-7	Dt.	25-03-2006	Show cause notice
Ex. W-8	Dt.	11-11-2006	2nd counseling proceedings
Ex. W-9	Dt.	26-11-2006	Letter issued to the petitioner to improve attendance
Ex. W-10	Dt.	14-09-2007	Dismissal order, X. copy

नई दिल्ली 20 मार्च, 2015

का.आ. 599.—ऑद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसूर सीमेंट्स लिमिटेड के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध

में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 25/2012) प्रकाशित करती है जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-29012/54/2004-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 20th March, 2015

S.O. 599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2012) of the Central Government Industrial Tribunal-Cum-Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Mysore Cements Limited and their workman, which was received by the Central Government on 13.03.2015.

[No. L-29012/54/2004-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"Shram Sadan"
G G Palya, Tumkur Road,
Yeswanthpur, Bangalore-560 022.

DATED : 13th February 2015

PRESENT : Shri S N NAVALGUND
Presiding Officer

CR No. 25/2012

IParty	II Party
Sh. Mallaiah, S/o Sh. Alagappa, 558, New Cross Colony, Mysore Cements Limited, Ammasandra, TUMKUR-572 211.	The Managing Director, Mysore Cements Limited, Ammasandra Post, Thuruvekere Taluk, TUMKUR DIST- 572 211.

APPEARANCES

I Party	: Shri S.B. Mukkannappa Advocate
II Party	: Sh. D. Leelakrishnan Advocate

AWARD

1. The Central Government *vide* order No. L-29012/54/2004-IR(M) dated 29.06.2010 in exercise of the powers

conferred by Clause (d) of Sub-Section (1) and Sub-Section 2 (A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule:

SCHEDULE

"Whether the action of the management of M/s. Mysore Cements Limited in allegedly superannuating Shri Mallaiah prematurely *w.e.f.* 30/5/2004 is just and legal? What relief the workman is entitled to?"

2. On receipt of the reference while registering it in C R 25/2010 when notices were issued to both the parties they entered their appearance through their respective advocates and I Party filed his claim statement on 01.09.2010 and II Party filed its counter statement on 30.11.2010.

3. The I party in his claim statement alleges that he who was born on 12.06.1949 and studied upto middle school first year at Government Higher Primary School, Dandinshira was appointed by the II Party as Khalasi on 13.02.1971 and posted to work in the maintenance department issuing Card No. 442 and being promoted for time to time during 2004 was holding the post of Fitter and that at the time of his appointment or any point of time he was called upon to produce any evidence about his Age Proof or date of birth but through letters dated 01.02.1995 and 15.07.1995 he was called upon to produce the documents regarding his date of birth and educational testimony and pursuant to the same he obtained duplicate transfer certificate from the School on 10.02.1995 and produce the same in the year 1995 itself and subsequently *vide* letter dated 15.07.2000 and that he was under the bonafide intention that it was recorded as 12.06.1949 in the Service Register but to his surprise stating that his date of birth has been recorded as 30.05.1946 he came to be superannuated on 30.05.2004 and that prior to his superannuation he gave representation dated 27.05.2004 to continue him in service but he was issued with an endorsement on 01.06.2004 stating that he was retired from services of the company after 29.05.2004 on the basis of the date of birth mentioned in the service Register as 30.06.1946 and thereby he has been deprived of almost three years of service illegally. With these assertions he has prayed for issue of direction to the II Party to record his date of birth as 12.06.1949 based on the Transfer Certificate produced by him and to pay the full salary from the date of premature retirement till the date of normal retirement and other consequential benefits. INTERALIA, the II party contended that it appointed the I Party as a casual Helper in the plumbing section of its company at Ammasandra *w.e.f.* 01.01.1969 and confirmed him in the said post in E Grade *w.e.f.* 13.02.1971 and at the time of confirmation he had declared his date of birth as 30.05. 1946 without producing any proof indicating his date of birth and accordingly in his service record his date of birth was entered as 30.05.1946 and that he came to be promoted as Khalsai and then as Fitter *w.e.f.* 01.01.1994

and as he had not produced any proof for his date of birth he was advised to submit the same on or before 30.04.1986 *vide* letter No. PF/86 dated 28.04.1986 and subsequent letter dated 10.05.1098, 01.02.1986, 15.07.2000 but he did not care to produce any proof being born on 12.06.1949. It is further contended he has also declared his date of birth on 29.12.1988 as 30.05.1946 in his ESI Declaration form and in his Provident Fund declaration Form 2 on 29.01.1997. In view of these declarations the age of retirement being 58 years he was to be retired after the working hours of 29.05.2004. Accordingly, through letter dated 26.12.2003 the intimation was given to him and that on the last date of his superannuation *i.e.* 29.05.2004 he came up with a letter dating as 27.05.2004 enclosing a School Certificate of one Sh. A. Mallaiah, S/o Halagaiah in which the date of birth was mentioned as 12.06.1949 and copy of a letter dated 30.12.2003 purported to have been given by him to the Factory Manager with an ulterior motive of continuing in service for three more years and having regard to the above stated facts he was informed through letter dated 01.06.2004 that the school certificate produced by him cannot be accepted as the name of the person is mentioned as Sh. A. Mallaiah, S/o Halagaiah whereas, the name given by him at the time of appointment and subsequent declaration is Sh. Mallaiah, S/o Halagappa and that he has been rightly superannuated after working hours of 29.05.2004 on attaining the age of 58 years as per the age declared by him. Thus it is contended the I party who at the time of his appointment and subsequently in his ESI declaration form and Provident Fund Declaration having declared his date of birth as 30.05.1946 coming up with a claim based on some school records of a person appears to have similarity with his name on the last date of his superannuation is nothing with an ulterior motive of continuing in service for three more years illegally his claim is liable to be rejected.

4. After close of the pleadings when the matter was posted for evidence the learned advocate appearing for the II party while filling the affidavit of Sh. Sannarangaiah, General Manager (HR) examining him on oath as MW 1 got marked copies of Employee Service Record; Declaration form date 29.12.1988 submitted to ESI; Declaration Form dated 29.01.1997 submitted to EPF Authorities; letter dated 28.04.1986, 10.05.1986, 01.02.1995 and 15.07.2000 requesting I party to submit proof of his date of birth; Retirement Notice dated 26.12.2003 issued to the I party; letter dated 27.05.2004 submitted by I party to II party; School Transfer Certificate on one Mr. A. Mallaiah; Identity Card of I party; letter dated 30.12.2006 addressed by I party to the II party regarding Company's Superannuation letter; copy of letter dated 26.12.2003 addressed by II party to the I party; letter dated 01.06.2004 addressed by II party to the I party rejecting the I party claim; Letter dated 28/29.10.2004 addressed by II party to ALC(C), Bangalore along with DD of Rs. 1,34,300.00 towards payment of Gratuity amount of I party; Gratuity Application of the I party dated 19.11.2004;

Order of ALC(C), Bangalore dated 16.12.2004 under Payment of Gratuity Act; letter dated 12.04.2005 along with Cheque of Rs. 2450.00 as final settlement of I Party account; final settlement letter dated 01.04.2005 addressed by II Party to I Party; Postal Acknowledgement card dated 04.04.2005; statement of final settlement of account of I Party with his acknowledgement and letter dated 19.10.2010 addressed by PF Authorities to II Party in respect of settlement of PF claims of I Party as Ex M-1 to Ex M-22 respectively and closed his side. *Inter-alia*, the learned advocate appearing for the I Party while filing the affidavit of the I Party examined him on oath as WW 1 and did not produce any documentary evidence and closed his side.

5. After close of the evidence the learned advocate appearing for the I Party addressed his oral arguments whereas the learned advocate appearing for the II Party filed his written arguments. Before the award could be passed the learned advocate appearing for the I Party reporting his death brought his wife, a son and a daughter on record as his legal representatives.

6. On appreciation of the pleadings, oral and documentary evidence brought on record in the light of the arguments put forward by the learned advocates, I have arrived at conclusion there is no pre-mature superannuation and that he is superannuation on 30.05.2004 is based on the entry made in his service record on the declarations he had given at the time of confirmation of the service and subsequently in the ESI and PF forms submitted on 29.12.1988 and 29.01.1997 respectively for the following.

REASONS

7. The claim of the I Party that he was appointed and confirmed in the service without he furnishing the date of birth is not at all unacceptable. Because unless a person gives his date of birth no establishment will give him appointment and confirm in the service. The II Party in order to substantiate its claim that he had given his date of birth as 30.05.1946 and accordingly it was entered in his service record produced his Service Record and the copies of declaration form given by him to ESI subscription and PF Nomination at Ex M-1, Ex M-2 and Ex M-3 respectively wherein the date of birth of the employee declared is 30.05.1946 and his name as Mallaiah, S/o Alagappa. Further the II Party produced the copies of its letter dated 28.04.1986, 10.05.1986, 01.02.1995 and 15.07.2000 calling upon him to produce documents regarding his age proof at Ex M-4, Ex M-5, Ex M-6 and Ex M-7 respectively and II Party in respect of his allegation that after service of notice dated 01.02.1995 he had produced the Transfer Certificate failed to substantiate the same by producing any documentary evidence. The documentary evidence produced by the II Party since disclose that the

I Party who declared his date of birth at the time of his appointment/confirmation of the service as 30.05.1946 mentioning his name as Mallaiah, S/o Alagappa and later in his declaration to ESI subscription and PF nomination declared the same name and date of birth practically remaining silent till he was served with an intimation that he is going to be superannuated on 30.05.2004 through letter dated 26.12.2003 further waiting till 29.05.2004 the last working day came up with a representation his date of birth in the Service Record be altered as 12.06.1949 enclosing copy of a Transfer Certificate issued by Government Higher Primary School, Dandinshira wherein the name of Student is A. Mallaiah and his father's name as Halagaiah which also do not tally with the name and father's name he has given to record in his service record and in the ESI subscription and PF Nomination. These circumstances arising out of the documentary evidence do suggest or probabilizes the contention taken by the II Party that the I Party who all along declared his date of birth as 30.05.1946 on the last working day came up with such a false claim his date of birth being 12.06.1949 with an ulterior motive of continuing in service three more years illegally. Under the circumstances, I have arrived at conclusion the action of the management of M/s Mysore Cement Limited Superannuating Sh. Mallaiah *w.e.f.* 30.05.2004 is just and legal based on the declarations given by him only from time to time and that he/his legal representatives who have come on record are not entitle for any relief. Hence, I pass the following

ORDER

The action of the management of M/s. Mysore Cements Limited Superannuating Sh. Mallaiah *w.e.f.* 30.05.2004 is just and legal and that he/his legal representatives who have come on record are not entitle for any relief.

(Dictated to UDC, transcribed by him, corrected and signed by me on 13th February 2015)

S.N. NAVALGUND, Presiding Officer

नई दिल्ली, 20 मार्च, 2015

का.आ. 600.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कुद्रेसुख आयरन और कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 20/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-26011/6/99-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 20th March, 2015

S.O. 600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2000) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kudremukh Iron Ore Company Limited and their workman, which was received by the Central Government on 13/03/2015.

[No. L-26011/6/99-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"Shram Sadan",
G G Palya, Tumkur Road,
Yeswanthpur, Bangalore-560 022.

DATED : 26th December, 2014

PRESENT : Shri S.N. Navalgund
Presiding Officer
C.R. No. 20/2000

I Party

The Assistant General Secretary, Kudremukh Employees Union, KIOCL, Panambur, MANGALORE - 575 010.

II Party

The Dy. General Manager (P), Kudremukh Iron Ore Company Limited, KUDREMUKH-577 142.

Appearances

I Party : Shri J.R. Naik, Advocate
II Party : Smt. K. Subha Ananthi, Advocate

AWARD

1. The Central Government *vide* order No. L-26011/6/99/IR(M) dated 15.02.2000 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes act, 1947 (14 of 1947) made this reference for adjudication with the following schedule:

SCHEDULE

"Whether the action of the management of Kudremukh Iron Ore Co. Ltd., Panambur, Mangalore, in fixing the pay of Shri G.S. Chandrashekappa Staff No. 34507 Store Keeper, Pellet Plant Dept., Mangalore, at Rs. 2,754/- in the revised scale of pay of Rs. 2200-3432 as on 1-1-1992 excluding fixed dearness allowance as against their letter No. Pers/M/05/3450 dated 27.4.90 is justified? If not, to what relief the workman is entitled?"

2. On receipt of the reference while registering it in CR 20/2000 when notices were issued to both sides I party entered his appearance through Sh. J. R. Naik, Advocate and filed his claim statement on 23.5.2001, whereas, the II party appeared through Smt. K. Subha Ananthi, Advocate and filed his counter statement on 16.10.2001. The I party in the claim statement claims that Sh. G. S. Chandrashekappa, Staff No. 34507 store keeper, Pellet Plant Department, Mangalore (hereinafter referred as I party workman) who joined the service of the II party on 05.08.1992 as Store man and was promoted as Assistant Store Keeper by virtue of memorandum of settlement dated 12.12.1998 entered into between the II party and the I party Union his scale of pay came to be revised from the then scale of pay existing earlier thereto (R3 585-16-697-18-823) in the technical scale of pay of N3 1415-28-1611-32-1835. Since the I party Union in order to ensure better career path for the cadre of the Assistant Store Keeper demanded the Ministerial scale of pay as against the technical scale of pay earlier existing the scale of pay from them came to be changed to ministerial scale of pay MI i.e. 1425-43-1726-53-2203 *w.e.f.* 01.02.1990 as against the technical scale of pay of Rs. 1415-28-1611-32-1835 as such *w.e.f.* 01.02.1990 he comes in the pay scale of Rs. 1425-43-1726-53-2203 *vide* order No. Pers./M/05/1/3450 dated 27.04.1990. It is further asserted that his pay drawn as on 01.02.1990 in the technical scale of pay as originally prescribed for Assistant Store Keeper under the settlement dated 12.12.1989 had been fitted in the ministerial scale of pay in the appropriate stage protecting the then existing total pay drawn as on 01.02.1990 with a rider that if there was no equivalent stage in the ministerial scale of pay the pay would be fixed at the available nearest lowest stage in the ministerial scale of pay and the difference thereto would be allowed as personal pay and such personal pay being treated as pay for all purposes including for determination of fixed dearness allowances, mining allowances etc. and as technical scale of pay to which the Assistant Store Keepers were originally entitled Rs. 1415-28-1611-32-1835 was being not identical to the said ministerial scale of pay to which they were later on entitled to from 01.02.1990 it had been made clear by the management that any such personal pay arising out of such fixation would be absorbed fully in the event of any general wage revisions that would come into force subsequent to 01.02.1990 and accordingly as on 01.01.1992 the I party workman was drawing a basic scale of Rs. 1683.00 in the ministerial scale of pay along with personal pay of Rs. 14/- and by virtue of subsequent memorandum of settlement dated 27.11.1995 when wage revision was effected for all the workman of the II party company the ministerial scale of pay was revised from 1425-43-1726-53-2203 to 2220-69-2703-81-3432 *w.e.f.* 01.02.1992 and consequent to the said wage revision the scale of pay of the I party workman came to be revised and fixed @ 2784.00 *w.e.f.* 01.01.1992 showing a sum of Rs. 11.00 as personal pay as per office order No. PERS/04/31.50 dated 30.11.1995

but the complete personal pay of Rs. 14.00 was to be absorbed by which it ought to have been fixed at Rs. 2865.00 and on his representation the same was unjustly denied placing reliance on clause 50 of settlement dated 27.11.1995, therefore his claim he was entitle for fixation at Rs. 2865.00 in the scale of 2220-69-2703-81-3432 is just and proper. Thus, it is prayed to answer the schedule of reference in favour of the I party workman with exemplary cost and interest @ 2% p.a. on the amount due to him. *Inter alia*, in the counter statement without disputing the fact that Sh. G. S. Chandrashekappa, Staff No. 34507 Store Keeper, Pillate Plant Department, Mangalore who joined the service of the II party on 05.08.1992 as Store Man was promoted as Assistant Store Keeper and by virtue of memorandum of settlement dated 12.12.1989 entered into between the II party and the I party Union his scale of pay came to be revised from the then scale of pay existing earlier thereto (R3 585-16-697 18 823) in the technical scale of pay of N3 1415-28-1611-32-1835 and as the I party Union in order to ensure better career path for the cadre of the Assistant Store Keeper demanded the ministerial scale of pay as against the technical scale of pay earlier existing the scale of pay for them came to be changed to ministerial scale of pay MI i.e., 1425-43-1726-53-2203 *w.e.f.* 01.02.1990 as against the technical scale of pay of Rs. 1415-28-1611-32-1835 as such *w.e.f.* 01.02.1990 he came in the pay scale Rs. 1425-43-1726-53-2203 *vide* order No. Pers./M/05/1/3450 dated 27.04.1990 and that his pay drawn as on 01.02.1990 in the technical scale of pay as originally prescribed for Assistant Store Keeper under the settlement dated 12.12.1989 had been fitted in the ministerial scale of pay in the appropriate stage protecting the then existing total drawn as on 01.02.1990 with a rider that if there was no equivalent stage in the ministerial scale of pay the pay would be fixed at the available nearest lowest stage in the ministerial scale of pay and the difference there to would be allowed as personal pay and such personal pay being treated as pay for all purposes including for determination of fixed dearness allowances, mining allowances etc. and as technical scale of pay to which the Assistant Store Keepers were originally entitled Rs. 1415-28-1611-32-1835 was being not identical to the said ministerial scale of pay to which they were later on entitled from 01.02.1990 it had been made clear by the management that any such personal pay arising out of such fixation would be absorbed fully in the event of any general wage revisions that would come into force subsequent to 01.02.1990 and accordingly as on 01.01.1992 the I party workman was drawing a basic scale of Rs. 1683.00 in the ministerial scale of pay along with personal pay of Rs. 14/- and by virtue of subsequent memorandum of settlement dated 27.11.1995 when wage revision was effected for all the workman of the II party company the ministerial scale of pay was revised from 1425-43-1726-53-2203 to 2220-69-2703-81-3432 *w.e.f.* 01.01.1992 and consequent to the said wage revision the scale of pay of the I party workman came to be revised and fixed

@ Rs. 2784.00 *w.e.f.* 01.01.1992 showing a sum of Rs. 11.00 as personal pay as per office order No. Pers./M/04/31.50 dated 30.1.1995 it is contended the Union Representatives sought for rectification of anomaly in respect of 11 Store Keeper Personnel but the management while identifying the similar anomaly for six more store keeper personnel rectified the anomaly of in all 17 store keeper personnel by virtue of discussion held on 11.07.1996 and 25.07.1996, the pay scale of I party workman in the ministerial scale was being fixed as per the understanding arrived between the Union Representative and management during the minutes of the meeting held on 11.07.1996 and 25.07.1996 and as at that time the Union gave an undertaking any anomalies raising out of the same will not be taken up in future for any reason whatsoever the present claim in respect of Sh. Chandrashekhar is not justifiable and is liable to be rejected.

3. After completion of the pleadings when the matter was posted for as evidence the learned advocate appearing for the II party examined Sh. Ashok Kumar, Deputy Manager as MW 1 who has reiterated the contention in the counter statement and got marked copies of letter of II party dated 27.04.1990 addressed to Sh. G. S. Chandrasekappa; minutes of the meeting held on 11.07.1996; minutes of the meeting held on 25.07.1996; rectification of pay fixation statement as on 01.01.1992; memorandum of settlement dated 27.11.1995; note submitted by the II party to the Chairman for approval; approval of the Chairman of the note as Ex M-1 to Ex M-7 and during the cross-examination of 1 party workman/WW 1 got marked copy of the Office Order showing the revision of pay *w.e.f.* 01.01.1992 as Ex M-8, *Inter alia*, the learned advocate appearing for the I party while filing the affidavit of I party workman reiterating the averments of the claim statement examining him on oath as WW 1 got exhibited copy of settlement dated 27.11.1995; order regarding fitment of scale dated 27.04.1990; office order dated 30.11.1999; reply sent to I party by the II party dated 15.02.1996; reply given by the II party to I party grievances letter dated 26.02.1999; letter sent by the I party to the management dated 02.03.1998; letter sent by I Party to the II party dated 05.08.1998; Lawyers notice dated 13.04.1999; settlement dated 12.12.1989 and 27.11.1995 as Ex W-1 to Ex W-12.

4. After close of the evidence of both sides their learned advocates have filed their written arguments wherein they have reiterated the contents of the claim and counter statements respectively.

5. On appreciation of the pleadings, oral and documentary evidence brought on record by both the sides in the light of the arguments put forward by the learned advocates, I have arrived at conclusion the action of the management of KIOCL in fixing the pay of Sh. G.S. Chandrashekappa Staff No. 34507 Store Keeper, Pellet Plat Dept., Mangalore, at Rs. 2784/- in the revised scale of pay of Rs. 2200-3432 as on 1-1-1992 excluding fixed dearness

allowance as against their letter No. Pers./M/05/1/3450 dated 27.04.1990 is not justified and that the said workman is entitle for fixation of his pay @ Rs. 2865.00 as claimed for the following:

REASONS

6. As already adverted to by me above almost the facts mentioned in the claim statement are not at all disputed and the II party relying on the minutes of the meeting held on 25.07.1996 copy of which is produced at Ex M-3 opposes the claim of the I party workman contending that as the Union Representatives agreed that consequent upon this pay rectification any anomalies arising out of the same will not be taken up in future for any reason whatsoever. With due respect to the management/II party and its counsel the claim now made is not for setting right the anomaly in respect of the pay scale of the I party workman consequent upon the rectification of 17 Store Keeper Assistants and that his claim is that he was also entitle for rectification on par with those 17 Store Keeper Assistants for rectification of anomaly, therefore, it is not for rectification of anomalies arising out of the fixation made through minutes held on 25.07.1996. MW 1 the only witness examined for the management in his cross-examination having unequivocally admitted the suggestion that if pay scale of the I party was to be fixed at Rs. 2795.00 his next pay fixation will be Rs. 2865.00 and as the documentary evidence do disclose that the pay scale of the I party was being fixed at Rs. 2795.00 in the pre-revised scale in the subsequent pay fixation it was to be Rs. 2865.00 as claimed by him. Only because the I party Union and the management failed to identify the I party Workman while rectifying the anomaly in the meetings held on 11.07.1996 and 25.07.1996 he cannot be denied of his claim. Only because his anomaly being Store Keeper Assistant was unnoticed by the Union as well as the management at the time of rectification when the same was brought to their notice he too would have been given the same benefit that was given to the other 17 Store Keeper Assistants. Under the circumstances, the claim of the I party is just and proper and its Rejection by the management is not justified. In the result, I pass the following

ORDER

The referenc is allowed holding that the action of the management of KIOCL in fixing the pay of Sh. G. S. Chandrashekappa Staff No. 34507 Store Keeper, Pellet Plat Dept., Mangalore, at Rs. 2784/- in the revised scale of pay of Rs. 2200-3432 as on 1-1-1992 excluding fixed dearness allowance as against their letter No. Pers./M/05/1/3450 dated 27.04.90 is not justified and that he is entitle for fixation of his pay as on 01.01.1992 by Rs. 2865.00 as claimed by him.

(Dictated to U D C, transcribed by him, corrected and signed by me on 26th December, 2014)

S.N. NAVALGUND, Presiding Officer

नई दिल्ली, 20 मार्च, 2015

का.आ. 601.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसूर मिनरल्स लिमिटेड के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 59/2008 एवं अन्य) प्रकाशित करती है जो केन्द्रीय सरकार को 13/03/2015 को प्राप्त हुआ था।

[सं. एल-29012/68, 69, 71, 72, 73, 78, 92, 91, 85, 97, 98, 102, 103/2008-आई आर (एम); एल-29012/3, 4/2009-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 20th March, 2015

S.O. 601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/2008 & others) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mysore Minerals Limited and their workman, which was received by the Central Government on 13.03.2015.

[No. L-29012/68, 69, 71, 72, 73, 78, 92, 91, 85, 97, 98, 102, 103/2008-IR (M); L-29012/3, 4/2009-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"Shram Sadan",
G. G. Palya, Tumkur Road,
Yeswanthpur, Bangalore-560 022

DATED : 9th January 2015

PRESENT : Shri S. N. Navalgund,
Presiding Officer

C R No. 59/2008

I PARTY

Sh. D. Krishnajppa, S/o Late
Shri Dasappa, Virupakshapura
Village, Belaguli Post,
Naggehalli Hobli, C R Patna Tq
Hassan Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 62/2008**I PARTY**

Sh. L. Somanna, S/o Late
Latchma Naik, R @ Yogimalali
Village, Domlapura Post,
Thirthahalli Taluk,
Shimoga Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 63/2008**I PARTY**

Smt. Minukkamma, W/o late
Narayan, R @ Chowdi Gadde
Village, Near Bikkivare
Village Bellur Post, Hosanagar
Taluk, Shimoga Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 64/2008**I PARTY**

Sh. Madhava, S/o Late
Shri Narayan Shetty, R @
J D Gani Village, Devangi Post,
Thirthahalli Taluk,
Shimoga Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 65/2008**I PARTY**

Sh. Venkataraman, W/o late
Shri Anappa Gowda, MML
Worker, R @ J D Gani Village,
Devangi Post, Thirthahalli Tq
Shimoga Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 66/2008**I PARTY**

Sh. B. Narayan, S/o late
Batchappa, R @ Yogimalali
Village, Domlapura Post,
Thirthahalli Taluk,
Shimoga Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 68/2008**I PARTY**

Sh. C. Batcha, S/o late
Sh. C. Rama, R @ J D Gani
Village, Devangi Post,
Thirthahalli Taluk,
Shimoga Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 75/2008**I PARTY**

Sh. Basavaiah, S/o Late
Shri Rangaiah, MML Worker,
Beechagondanahalli Village,
Voleagerhalli Post, Bagur
Hobli, C R Patna Taluk,
Hasan Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 01/2009**I PARTY**

Sh. Talwar Marakka, W/o Late
Nagappa, Murarapuram,
Taranagar Post, Sandur Taluk,
Bellary District.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 06/2009**I PARTY**

Sh. Veerupakshappa, S/o
Pampapathi, Ward No. 3,
Bhajangnagar, Vill. & P.O.,
Sandur Taluk Bellary Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 10/2009**I PARTY**

Sh. K. Gaffar since deceased
represented by Smt. Khrusheeda
Begum and 6 others, S/o Late
Salam Sab, R/o Kumbeshwara
Beedhi, Shimoga Taluk and
District, Kumsi - 577 423.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 11/2009**I PARTY**

Sh. A. Muniyamma, W/o Late
Appadorai, MML Worker, R @
Kallukoppa Village, Sirigere
Post, Shimoga Tq & Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 22/2009**I PARTY**

Smt. P. Puttananjamma, W/o
Late Puttasbasavaiah, Matangi
Badavane, Kumsi Post,
Shimoga Tq & Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 23/2009**I PARTY**

Sh. K. Kannan since deceased
represented by Smt. K.
Chennamma & 3 others, W/o
Late K. Kannan, Tuppooru
Village, Shimoga Tq & Distt.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 27/2009**I PARTY**

Sh. Nanjundappa, S/o Late
Sh. Ramanna R @ Haarnahalli
Village, Shanthinagar,
Haaranahalli Post, Shimoga
Taluk and District.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

C R No. 28/2009**I PARTY**

Sh. K. Kannan since deceased
represented by Smt. K.
Chennamma & 4 others, W/o
Late K. Kannan, R/o Tuppooru
Village, Tuppor Post,
Shimoga Taluk and District.

II PARTY

The Managing Director,
Mysore Minerals Limited,
No. 39, M.G. Road,
Bangalore-560 001.

Appearances

I Party	: Shri K. T. Govinde Gowda, Advocate
II Party	: Shri A. K. Vasanth, Advocate

COMMON AWARD

I. The Central Government vide order Nos. L-29012/68, 69, 71, 72, 73, 78, 92, 91/2008-IR(M) dated 04.08.2008, 23/24.12.2008, 20.01.2009 in exercise of the power conferred by clause (D) of sub-section (1) and sub-section (2A) of section 10 of the industrial disputes Act, 1947 (14 of 1947) made these references for adjudication with similar schedule which read as under:

"whether the management of Mysore Minerals Limited, Bangalore is removal from service of (naming I party and date of termination in each case)? If not, to what relief is the said workman entitled to?"

and under order No. L-29012/85, 97, 98, 102, 103/2008-IR(M) dated 03.11.2008, 27.02.2009, 20.05.2009; L-29012/3, 4/2009-IR(M) dated 02.06.2009 with a similar schedule which reads as under:

"whether the management of Mysore Minerals Litmited is justified in terminating the services of (naming I Party and date of terminating in each case)? if not, to what relief is the said workmen entitled to?"

2. Since the II Party/Management is common and the workmen in all the cases and II party management in all the cases through filled seprate claim statements and counter statements all of them are being prototype and the cross-examination of the workmen and management witness are also similar in all the cases and even common arguments were addressed by the learned advocates appearing for both the sides, I have taken up all these references for passing award through common award.

3. While registering the above references in C R Nos. 59, 62, 63, 64, 65, 66, 68, 75/2008, 01, 06, 10, 11, 22, 23, 27, and 28/2009 respectively, when notices were issued the I party and II Party entered their appearances through their respective common advocates in all the 16 references and filed their claim statement and counter statement which are practically prototype.

4. Though the Ministry in relation to C R 59/2008, 62/2008, 63/2008, 64/2008, 65/2008, 66/2008, 68/2008 and 06/2009 mentioned the impugned punishment as Removal from service and as the contention of the I party as well as the II Party is that the punishment is that of termination and even copy of orders produced states the punishment imposed being termination.

5. The I Parties in all 16 references in their claim statement claim that they were all appointed by the II Party

Management in its different Mining Units at Shimoga District, Karnataka under different designations like Mining Worker, Watchman, Foreman and that they had furnished their date of birth as per the Horoscope manitained by their parents as per the family tradition and custom and same was accepted by the II Party Management by entering the same in their respective EPF, B Register and Service Records. They further calim that in the year 1998 the II party management abruptly conducted an eye wash illegal medical examination through an MBBS Doctor and not by any Assistant Civil Surgeon as defined under Rule 29-C of the Mines Rules 1955 and on the basis of the reports obtained form that Doctor illegally terminated or prematurely superannuated or forcefully made them to take VRS from the services without complying the provisions of Section 2(OO) and Section 25F, G, H & N of Industrial Dispute Act, 1947 and also failed to issue three months prior notice or tendor payment of three months salary before terminating or prematurely supernuating or forcefully making them to retire form the services. With these assertions the I Party workman in each reference have prayed to direct the management to reinstate them into service with continuity of service, full backwages and other consequential benefits. INTERALIA, in the counter statements filed for the II Party which are all prototype it is contended that the dispute raised by the I party are time barred and belated and that as per Mines Rules, 1955 it has conducted Medical Examination of all the employees and workers working at Mines Unit during the year 1997-98 which is mandatory as per law under the advise of Director of mines Safety through a team of qualified and Senoir Medical Officers from Hutt Gold Mines Company Limited and as per the report of the experts the I party workmen were incapacitated to work in a mine in view of the fact that that they were aged more than 58 years as on the date of the medical examination. Though the I party were given an opportunity to prefer an appeal before Appellate Medical Board within 30 days the same was not availed and on the other hand they received the monetary benefits arising out of termination i.e, EPF, Gratuity, Leave, Pension and all other benefits without any protest and thereby there existed no Employer and Employee relationship between the II Party Management and the I party workmen. It is further contended all the I Party workmen who did not avail the opportunity extended to them to prefer an appeal and received the benefits, after their co-workers succeeded in getting relief in Writ Petition No. 5615/2001 and 5616/2001 on the file of Hon'ble High Court of Karnataka after lapse of 8 years to their respective termination of services having raised these disputes the exercise of power by the Central Government under Section 10 (1) of the ID Act is not reasonable, rationale and it ought to have refused to make these references. With these contentions the II Party has prayed for rejection of the references.

6. After close of the pleadings when the matters were posted for evidence, counsel for II Party while filing the

similar affidavits of Sh. Somanna, Assistant Manager in all the 16 matters examining him on oath as MW 1(M) got exhibited in few cases copy of B Register and Service Records as narrated in the annexure. Inter Alia, the learned advocate appearing for the I Party who had got exhibited some documents in each case while cross-examining MW 1(M) in the respective case as narrated in the annexure to the Award while filing the affidavit of the respective workman in each case examining them on oath as WW 1(M) closed his side.

7. With the above pleadings and evidence brought on record by both the sides, counsel for I Party filed his written arguments and though several opportunities were provided to the II Party counsel to address his arguments as he has not availed the same the matter same to be posted for Award.

8. On appreciation of the pleadings, oral and documentary evidence brought on record by both the sides, in the light of the arguments put forward by their learned advocates, I have arrived at conclusion of allowing the references for the following

REASONS

9. There is no dispute as to the joining of service by the I Party workmen as well as entry of their date of birth as furnished by them in their service records by the II Party and it is stated in the evidence of MW 1(M) that in view of the request made by the Employees Union (without specifying which Union) it conducted their Medical Examination through qualified Senior Medical Officers and as per their report they were found to be incapacitated to work in mine in view of the fact that they were aged more than 58 years as on the date of their medical examination and based on that reports it took the decision to terminate their services and terminated on different dates giving an opportunity to prefer, an appeal before the Appellate Medical Board and the same was not availed and they received the terminal benefits and after the result in W P No. 5615/2001 and 5616/2001 preferred by their co-workers having raised these disputes they are not maintainable. In view of the admission of the II Party that the I Party workmen had joined its services on different dates as claimed by them and the date of birth were recorded in their respective service records as furnished by them while joining the service as per the Horoscope maintained by their parents, the claim of the workmen in their respective references about their joining of the service and recording of their date of birth in their service record as furnished by them based on the Horoscope maintained by their respective parents being not in dispute it was for the II Party to establish that the Employees Union of which these workmen were members had made request for conducting their medical examination through qualified Senior Medical Officers and accordingly they got conducted their medical examination through qualified Senior Medical Officers and

were found to be incapacitated to work in mine being aged more than 58 years of age on the date of their respective examination but the II Party failed to place on record any evidence to substantiate this contention put forward by them. MW 1(M) the only witness examined for the II Party/ Management having categorically stated in the very beginning of the affidavit evidence that he who is working as Assistant Manager being conversant with the facts from records, he has no personal knowledge about the each workman subjected to the medical examination and their medical reports being as claimed in the counter statements. Under the circumstances in support of the contention taken in the counter statements which is reiterated in the affidavit evidence he ought to have produced the documentary evidence to substantiate that there was a request made by the Employees Union of which these workmen were members for conducting their medical examination to ascertain their fitness to work and age and accordingly they subjected to medical examination through qualified Senior Medical Officers and were found to be incapacitated to work in Mine being aged about more than 58 years as on the date of their respective Medical Examinations. In the absence of production of medical records/documents in that regard his/MW 1(M) testimony in the affidavit which is reiteration of the contention in the counter statement is baseless and of no value. Further since it has come in the evidence of MW 1(M) by way of admission in the cross-examination that during the years 1998 there were around 4000 mining workers in all the 40 mining units in MML in Karnataka State and out of them around 2000 were working in the Mines of Shimoga District namely, Kumsi Clay Mines, Byrapura Chromite Mines, Thimmappanagudi Iron Ore Mines, Jamboor Chromite Mines, and Mathod Limestone Mines and that it suffered loss of about Rs. 21 crores in Shimoga District and due to the said loss it thought of reducing the number of workers and at his juncture it ordered for medical examination of all mining workers. In view of this admission in the cross-examination of MW 1(M) the claim of the II Party that the medical examination of workmen were got done on the request of the Employees Union in the absence of any record in that regard has to be said to be far from truth. The II Party which had accepted the date of birth of the workman as furnished by them based on the Horoscope maintained by their respective parents without any reason/doubt being entertained in respect of their date of birth there was no occasion for them to subject those workmen for medical examination to ascertain their correct age. Moreover, there being no evidence for the II Party that they had called upon the workmen to undergo a medical check up to find out their correct age without there being any enquiry in that regard changing their date of birth is unsustainable, because once the age is entered into service record it cannot be changed unless the procedure prescribed for changing the date of birth is followed. Under these circumstances viewed from any angle the action of II Party

terminating the services of the I Party workmen covered in these references do amount to premature superannuation or imposing the punishment of forceful retirement from services by way of order of termination and are unsustainable.

10. In the upshot of the above, the workmen covered in these references are entitle for their reinstatement into service and to continue in service till they attain the age of superannuation which was 58 years till 16.07.2008 and came to be raised to 60 years w.e.f. 17.07.2008 by virtue of the Office Order dated 22.08.2008 copy of which have been got exhibited in the cross-examination of MW 1(M) and in case of workmen who died before date of superannuation till the date of their death. But having regard to the nature of the work for which they were engaged and raising these disputes after around 8 years of their termination from the services looking to the judgements rendered in WP No. 5615/2001 and 5616/2001 preferred by their co-workers, I feel it just and appropriate to direct the II Party to pay them 30% of the salary/wages payable to the respective workmen from the date of their respective references made by the Ministry with other consequential benefits that they would have received in the absence of their impugned termination orders. In the result, I pass the following

ORDER

All the 16 references are allowed holding that the management of Mysore Minerals Limited is not justified in Removing/terminating the services of Sh. D Krishnappa, Sh. L Somanna, Smt. Minukkamma, Sh. Madhava, Smt. Venkataramana, Sh. B Narayana, Sh. C Batcha, Sh. Basavaiah, Smt. Talwar Marakka, Shr. Veerupakashappa, Sh. K. Gaffar, Smt. A Muniyamma, Smt. P Puttananjamma, Sh. K Kannan, Sh. K Najundappa and Smt. K Chennamma w.e.f. the respective dates mentioned in their references and II Party is liable to reinstate them into the service/ designation that they were holding at the time of impugned termination/removal from Service and to continue their services till they attain the age of superannuation and in case of workmen who died before date of superannuation till the date of their death and pay them 30% of the salary/ wages payable to them from the date of their respective references for adjudication with all other consequential benefits that they would have received in the absence of their impugned termination from service deducting the benefits already given to them. It is made clear that in cases of workmen who attain the age of 58 years prior to 16.07.2008 are entitled for being continued in service till they attain the age of 58 years and who still do not complete the age of 58 years as on 17.07.2008 are entitled to be continued in service till they attain the age of 60 years as per its office Order dated 22.08.2008.

(Typed to my dictation by UDC, corrected and signed by me on 9th January 2015)

S. N. NAVALGUND, Presiding Officer

ANNEXURE-I

Documents exhibited on behalf of management:

C R 59/2008

Ex M-1 : Copy of B Register of I Party

C R 62/2008

Ex M-1 : Copy of B Register of I Party

C R 63/2008

Ex M-1 : Copy of B Register of I Party

C R 64/2008

Ex M-1 : Copy of B Register of I Party

C R 65/2008

Ex M-1 : Copy of B Register of I Party

C R 66/2008

Ex M-1 : Copy of B Register of I Party

C R 68/2008

Ex M-1 : Copy of B Register of I Party

C R 75/2008

Ex M-1 : Copy of B Register of I Party

C R 01/2009

Ex M-1 : Copy of B Register of I Party

CR 11/2009

Ex M-1 : Copy of B Registar of I party

CR 22/2009

Ex M-1 : Copy of B Registar of I party

CR 23/2009

Ex M-1 : Copy of B Registar of I party

C R 27/2009

Ex M-1 : Copy of B Registar of I party

Documents exhibited on behalf of workman:

CR 59/2008

Ex W-1 : Order passed in WP No. 5615/2001(SS)

Ex W-2 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)

Ex W-3 : Order passed in WA No. 26101/01 and others

Ex W-4 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 62/2008

Ex W-1 : Copy of Membership Application

Ex W-2 : Copy of Termination Order dated 16.06.1998

Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26101/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 63/2008

Ex W-1 : Copy of Membership Application
 Ex W-2 : Copy of Termination Order dated 17.06.1998
 Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26101/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 64/2008

Ex W-1 : Copy of Membership Application
 Ex W-2 : Copy of Termination Order dated 17.06.1998
 Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26101/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 65/2008

Ex W-1 : Copy of Membership Application
 Ex W-2 : Copy of Termination Order dated 22.06.1998
 Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26101/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 66/2008

Ex W-1 : Copy of Membership Application
 Ex W-2 : Copy of Termination Order dated 17.06.1998

Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26101/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 68/2008

Ex W-1 : Copy of Membership Application
 Ex W-2 : Copy of Termination Order dated 16.06.1998
 Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26101/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 75/2008

Ex W-1 : Copy of Medical Examination Report
 Ex W-2 : Copy of Termination Order dated 29.06.1998
 Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26101/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 01/2009

Ex W-1 : Copy of Termination Order dated 06.06.1998
 Ex W-2 : Order passed in WP No. 5615/2001(SS)
 Ex W-3 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-4 : Order passed in WA No. 26101/01 and others
 Ex W-5 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 06/2009

Ex W-1 : Copy of Termination Order dated 29.06.1998
 Ex W-2 : Order passed in WP No. 5615/2001(SS)
 Ex W-3 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)

Ex W-4 : Order passed in WA No. 26101/01/ and others
 Ex W-5 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 10/2009

Ex W-1 : Copy of Form O issued by the II Party
 Ex W-2 : Copy of Termination Order dated 31.08.1998
 Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26102/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 11/2009

Ex W-1 : Copy of Termination Order dated 06.06.1998
 Ex W-2 : Order passed in WP No. 5615/2001(SS)
 Ex W-3 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-4 : Order passed in WA No. 26101/01 and others
 Ex W-5 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 22/2009

Ex W-1 : Copy of Termination Order dated 11.05.1998
 Ex W-2 : Order passed in WP No. 5615/2001(SS)
 Ex W-3 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-4 : Order passed in WA No. 26101/01 and others
 Ex W-5 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 23/2009

Ex W-1 : Copy of Termination Order dated 06.06.1998
 Ex W-2 : Order passed in WP No. 5615/2001(SS)
 Ex W-3 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-4 : Order passed in WA No. 26101/01 and others
 Ex W-5 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

Ex W-6 : Family Tree given by the Village Accountant
 Ex W-7 : Death Certificate of my Husband dated 06.07.2002

CR 27/2009

Ex W-1 : Copy of Membership application form
 Ex W-2 : Copy of Termination Order dated 31.08.1998
 Ex W-3 : Order passed in WP No. 5615/2001(SS)
 Ex W-4 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-5 : Order passed in WA No. 26101/01 and others
 Ex W-6 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years

CR 28/2009

Ex W-1 : Copy of Termination Order dated 06.06.2008
 Ex W-2 : Order passed in WP No. 5615/2001(SS)
 Ex W-3 : Order passed in WA No. 3460/2001 c/w 6459/2001(SS)
 Ex W-4 : Order passed in WA No. 26101/01 and others
 Ex W-5 : Office Order No. PIR: 7: GEN: 2008-09:1891 dated 22.08.2008 enhancing the age from 58 years to 60 years.

नई दिल्ली, 23 मार्च, 2015

का.आ. 602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन एग्रीकल्चरल रिसर्च इंस्टिट्यूट, नई दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ संख्या 29/2012) प्रकाशित करती है जो केन्द्रीय सरकार को 20/03/2015 को प्राप्त हुआ था।

[सं. एल-42011/91/2011-आईआर (डीयू)]

पी. कॉ. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 23rd March, 2015

S.O. 602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award (I.D. No. 29/2012) of the Central Government Industrial Tribunal-Cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Indian Agricultural Research Institute, New Delhi and their workmen, which was received by the Central Government on 20/03/2015.

[No. L-42011/91/2011-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, KARKARDOOMA COURT COMPLEX,
DELHI**

ID No. 29/2012

Shri Ram Pratap Rai & 41 others,
Represented by Bhartiya Krishi Karamchari Sangh,
C/o Room No. 95, Barrack No. 1/10,
Jam Nagar House,
New Delhi

.....Workman

VERSUS

The Director,
Indian Agricultural Research Institute,
Pusa Road,
New Delhi

.....Management

AWARD

Brief facts given rise to the reference petition are that Ministry of Labour, Govt. of India, *vide* letter No. L-42012/91/2011-IR(DU) dated 19.01.2012 referred the following dispute for adjudication under 10(2)(a) read with clause 1(d) of the Industrial Disputes Act, 1947 (in short the Act): "Whether the action of the management of IARI Pusa in not granting (A) equal pay (B) temporary status and regularization of Shri Ram Pratap and 41 others (as per list enclosed), casual workers with effect from 01.09.1993 is legal and just? What relief the workman are entitled to and from which date?"

2. It is apparent from the statement of claim filed on behalf of the workman (Shri Ram Pratap Rai and 41 others) that they have been performing their duties for the last 20—26 years and they were not granted regular status nor regular pay scale was given to them, which is an unfair labour practice under V Schedule of the Act. Management has been following rules and regulations formulated by the Government of India, including office memorandum of Department of Personnel and Training dated 07.06.1988 as per which casual workers doing the same job equivalent to the regular employees, the casual workers are allowed minimum pay scale plus dearness allowance but the management denied the said wages and only paid the minimum wages. Government of India has also sanctioned posts for regularization of the services for their regularization and the time limit for their regularization is also mentioned in para 2 of the memorandum (Annexure A), which is as follows:

2. The following time limit for completing the review has been prescribed in respect of the various Ministries/ Departments:

a.	Ministry of Railways	2 years
b.	Department of Post, Department of Telecommunication and Department of Defence Production	1 year
c.	All other Ministries/Departments/ Office	6 months

3. Indian Agricultural Research Institute (IARI) is a constituent of ICAE and functioning under the Ministry of Agriculture, Krishi Bhawan, New Delhi. According to Para 2(c) of the Department of Personnel in their memorandum dated 07.06.1988 granted the six month for review and regularization of the casual workers but the management of IARI ignored the said office memorandum of the Government of India and indulged in unfair labour practice as defined under section 2(ra) of the Act.

4. Thereafter, Department of Personnel and Training issued Office Memorandum dated 10.09.1993 and granted temporary status and regularization of casual workers who were employed after issuance of office memorandum dated 07.06.1988 were liable to be regularized. The policy has further been reviewed in the light of the judgement of Central Administrative Tribunal, Principal Bench, New Delhi delivered on 16.02.1990 in writ petition filed by Shri Raj Kamal and others *vs.* Union of India and it has been decided that while existing guidelines contained in office memorandum dated 07.06.1988 may continue to be followed, grant of temporary status to the casual employees who have rendered one year of continuous services in Central Government office, other than Department of Telecommunication, Posts and Railways may be regularized by the scheme as appended. Thus, management was required to review the case and take suitable action, but it has ignored the office memorandum dated 07.06.1988 as well as office memorandum date 10.09.1993. Management has granted temporary status *w.e.f.* 01.09.1993. Management has granted temporary status *with effect* from 01.09.1993 to 50 other casual workers who are junior to the workman herein and this action of the management is illegal, discriminatory and unfair labour practice. Copy of the office order dated 03.02.1995 is annexed as Annexure C.

5. It is also averred that the workman herein have been performing same and similar duty equivalent to their counterparts called 'Supporting Staff'. As such they are also entitled to equal pay for equal work. As per policy, casual workers who have completed one year of service as on 01.09.1993 were not granted temporary status, including other allowances, increments etc. and the management of IARI is exploiting the workman. Services of employees

junior to those who were engaged as daily rated workers after engagement of the workmen herein were regularized *vide* appointment No. 4/7/96-III dated 26.09.1998 and there date of regularization is discriminatory, inasmuch as the workers are entitled to regularization from the date mentioned in the office memorandum. Even the Department of Personnel and Training *vide* their office memorandum No. 49014/18/84 dated 07.05.1985 has relaxed the conditions of sponsorship on employment of casual workers for their regularization, who have not been recruited through Employment Exchange before 07.05.1985. All these workmen have been denied equal treatment by the management of IARI. As per office order No. 4-7/96-P. III dated 26.09.1995, services of junior persons to the workmen connected with the dispute were regularized arbitrarily without regularizing the services of senior persons. Services of juniors belonging to the OBC category were regularized with effect from 01.04.1998, unreserved category with effect from 31.05.1998, SC category with effect from 31.03.1998 and ST category with effect from 01.04.1998. Accordingly, workmen herein are entitled to be regularized from the same date as belonging to the category of OBC, SC, ST and unreserved in Group D post.

6. Reference petition was contested by the management by filing written statement wherein management had taken certain preliminary objections and it is alleged that the reference is totally misconceived, false and untenable. The same is not legally maintainable as Bhartiya Krishi Karamchari Sangh has no locus standi or authorized to file claim on behalf of employees of IARI. IARI has been paying the employees their legitimate dues and other facilities in accordance with law. Thus claim has been filed by the trade union to disturb peace and with ulterior motive. The Union has raised frivolous demands and in order to harass the respondent, present claim petition has been filed. On merits, it was alleged that the dispute has been referred without application of mind and in a mechanical manner. It is denied that the workmen herein had been working with respondent for the last 20—26 years. Nature of work of these claimants was not regular and same was seasonal or intermittent in nature. However, they were engaged from 1998 on the basis of availability of work. It is specifically denied that the management has adopted unfair labour practice. IARI is governed by rules framed by Government of India. The Institute is regularizing the DPLs upto 1998 on the basis of availability of posts but in the year 1999, ADRP came into existence and also made of 10% in the total number of supporting staff and as such number of posts were reduced drastically and regularization of the DPLs was accordingly reduced. It is also alleged that the workman in the present claim are engaged only for performing work of seasonal nature. They are being paid minimum wages as fixed by the Central/State Government,

whichever is higher. Services of the claimant herein cannot be compared to that of regular employees as they were not doing equivalent job to that of regular employees. The management also denied other averments made in the reference petition.

7. Against the factual backdrop, my learned predecessor, *vide* order dated 26.03.2012, framed the following issues:

i. Whether there is no industrial dispute for want of proper espousal?

ii. As in terms of reference

8. Both the parties adduced oral as well as documentary evidence in support of the stand taken in their respective pleadings. Workman, *i.e.* Shri Ram Pratap Rai examined himself as WW1 and tendered in evidence his affidavit as Ex. WW1/A and supporting documents, *i.e.* Chart Ex. WW1/1 showing names of workman posted at Regional Station, Pusa, Bihar, was also tendered in evidence. Averments contained in the affidavit are on the same lines as has been taken in the statement of claim. Shri Ram Prakash Rai has specifically averred that the date of his initial engagement is 27.04.1987 and he belongs to the OBC category. It is further clear from perusal of details of the workman contained in Ex. WW1/1 that there is mention of the workmen here in the said list wherein date of birth as well as date of initial engagement of the workman is mentioned in the respective columns. During the course of arguments, learned counsel for the management has not disputed the list of workman, *i.e.* Ex. WW1/1.

9. Workman also examined Shri Ram Naresh Rai as is witness, whose affidavit is Ex. WW2/A. He has primarily relied upon office memorandum dated 07.06.1988, office memorandum dated 10.09.1993 as well as office order 03.02.1995. This is the order on the strength of which temporary status was granted to the claimants.

10. Management, in support of its case, examined Shri Chetan Swaroop as Ex. MW1, whose affidavit is Ex. MW1/A. Contents of the affidavit are on the same lines as the stand taken by the management in its written statement. In his cross examination (22.07.2013), he has stated that the workman herein were not entitled for grant of temporary status. As such, there was no question of regularization of their services by the management. Employees on whom temporary status has been conferred are regularized on the basis of their seniority and the criteria laid down by the Department of Personnel and Training. He has admitted that Ex. WW2/1 and Ex. WW2/2, which contain instructions and criteria to be followed for grant of temporary status etc., to the workman is correct. He has further admitted that Shri Ram Pratap Rai joined the management on 27.04.1983 as a

daily wager. Initially, he could not reply in cross examination as to how many days continuous service was rendered by Shri Ram Pratap Rai upto 31.12.1983. In his subsequent cross examination (09.10.2013), Shri Chetan Swaroop, MW1, submitted a chart showing the number of days of the workmen in a given year and the said chart is Ex.MW1/W2. He has neither satisfied himself regarding correctness of the contents of the above chart nor has he compared it with the attendance record. He has also referred to the seniority list of casual labour, which is Ex.MW1/W3. Senior list does not project names of the persons on whom temporary status was accorded. In his subsequent cross examination (27.11.2013), he has admitted that 12 casual labourers whose names are mentioned in seniority list Ex.MW1/W3 were regularized in services of the management without grant of temporary status. He also admitted that the scheme issued by the Government in 1993 regarding grant of temporary status was a one time scheme. He has further admitted that Shri Bhageran Rai, whose name is at serial No. 13 of the senior list, Ex.MW1/W3 was not regularized, though he is from the backward caste (OBC). He has further admitted that all the claimants except Japshi Sahni and Shri Arun Takkar belong to SC and OBC category. He has also tendered in evidence, list Ex.MW1/W4 projecting the name of casual employees whose services regularized by the management.

11. I have heard Shri B.K. Prasad, A/R for the claimant and Shri Anil Singhal, A/R for the management.

Findings : Issue No. 1 and 2

12. Both the issues are being taken up together with the reference for the purpose of discussion as they are inter related and can be conveniently disposed of.

13. Shri Prasad strongly urged that the workmen who have filed the reference petition are in fact senior to the several other workmen. However, neither temporary status was granted to them as per time schedule and policy of the year 1993 nor their services were regularized as per office memorandum discussed above. Non-grant of temporary status and regularization of workman herein his highly arbitrary and discriminatory and the same is not supported by any rule of regularization. He also invited the attention of the Tribunal of seniority list Ex.WW1/W3 wherein names of all 41 workmen are mentioned. Since the workmen herein were doing the work of beldar, which is being performed by regular beldars also, as such, they were entitled to the time-scale which has been given to the regular beldars in view of the judgement in case of Surender Singh. Since the management has admitted that the workmen herein to be daily paid labour and most of such workmen were in job since the year 1983 onwards, as such, in the year 1993, as per policy of the Government, temporary status was required to be conferred upon them and thereafter they were required to be made regular.

14. Admittedly, management has regularized services of several arguments, this Tribunal wanted to know from the management as to what criteria has been followed by the management to regularize services of the workmen mentioned in the list MW1/W4. Since some of the workman herein are senior to the workmen mentioned in the List Ex.MW1/W4, claim of the workmen herein was required to be considered first in preference to the other workmen. It is settled principle of law that seniority is not to be disturbed in respect of those workmen who are doing similar job while considering the question of grant of temporary status of regularizing their services. It is not clear from the consolidated list, Ex.MW1/W3 as to what was the criteria followed by the management while granting temporary status or regularizing services of the workmen mentioned in Ex.MW1/W4.

15. During the course of arguments, it was admitted that office memorandum dated 07.06.1988, Ex.WW2/1 was issued by Government of India in which policy regarding engagement of casual workers has been reviewed by the Government, keeping in view the judgement rendered by the Hon'ble Supreme Court in the case of Surender Singh and others Vs. Union of India. Here is also office memorandum Ex.WW2/2 which deals with the grant of temporary status and regularization of the casual workers. It is clear from perusal of the same that grant of temporary status to casual worker is available to all these who have rendered one year continuous service in Central Government offices, except Department of Telecommunication, Post and Railways. Thus, as per the said memorandum, temporary status was required to be accorded to the workmen herein, who have rendered one year continuous service. It is further clear that a period of 240 days (offices having six day week) and 206 days (offices observing five day week) is to be taken in a calendar year, for the purpose of continuous service.

16. The office memorandum Ex.WW2/2 dated 10.09.1993 clearly requires that the grant of temporary status of the casual employees be done strictly in accordance with the above memorandum and cases of negligence would be viewed seriously and the same be brought to the notice of the appropriate authority for taking prompt and suitable action. Thus, a conjoint reading of office memorandum dated 07.06.1988 Ex.WW2/1 read with office memorandum Ex.WW2/2 clearly provides the mode to be followed by the employer for grant of temporary status to the casual workman and thereafter their regularization. Learned authorized representative appearing on behalf of the management could not convince the Tribunal as to what was the method followed by the management when services of the workman as contained in Ex.MW1/W4 dated 31.07.2013 were regularized. Whether any committee was constituted at the time of regularization of the services of the workman or what criteria was followed when conferring status of as well as evidence led by the management. It is further clear from perusal of the list

Ex. MW1/W4 that the workmen who were regularized were in fact not senior to the workmen herein. For *e.g.* Shri Harvinder Sah whose name is mentioned at Serial No. 11 in the list Ex. MW1/W4 belongs to OBC category and was regularized on 20.10.2006. It is clear from the join seniority list of the workmen, Ex. MW1/W3 that Shri Harvinder Sah engaged as workmen on 27.04.1983. Shri Ram Pratap Raj, workman herein also belongs to OBC category and was also initially engaged as workman on 27.04.1983. Reasons as to why he was not regularized earlier are not clear from the perusal of the evidence led by the management. Similarly, there are other employees/ workmen whose names appear in the seniority list. Ex. MW1/W3 who are having the same seniority but have neither so far been conferred either temporary status nor their services have been regularized in terms of office memorandum dated 07.06.1988. Ex. WW2/1 and office memorandum Ex. WW2/2. It is pertinent to note here that Shri Chetan Swaroop, Administrative Officer examined by the management as MW1 admitted in his cross examination (27.11.2013) that 12 casual labour whose names have been mentioned in seniority list Ex. MW1/W3 were regularized in service by the management without grant of temporary status was issued by the Government in the year 1993. Shri Bhagender Rai, whose name appears as Serial No. 1 of the seniority list was not regularized though he belongs to OBC category. He has further admitted that all the workmen herein, except Shri Jhansi Sahni and Shri Arun Kumar Thakur belong to ST or OBC category. Thus, when majority of the workmen herein belong to OBC or SC/ST category, their names were also required to be considered by the management for the purpose of grant of Temporary status as well as regularization of their service.

17. During the course of arguments, it was not disputed that at the time of grant of temporary status, length of service of workman is the major consideration to be followed by the management. There is also no dispute that the workmen herein are doing the same job and performing the same work which was being performed by the workmen whose services have been regularized. It has been held by the Hon'ble Apex Court in the case of *Bal Kishan Vs. Delhi Administration* (1 LLJ 61) that when persons belong to the same cadre, in the eventuality, juniors cannot be confirmed or promoted without considering the cases of the seniors and any deviation from the above principle in contrary to the spirit of Article 16 (1) of the Constitution.

18. Reliance was also placed upon the case of *Durgapur Casual workers Unions Vs. Food Corporation of India* (Civil appeal No. 10856 of 2014 (decided on 09.12.2014). It was also a Case of casual workmen who were working as contract labour in rice mill, which was later on closed. Thereafter, workmen were directly employed by Food Corporation of India in 1991 on daily wages for the purpose of sweeping of godown and wagon floor etc. Since the workmen were not made regular when absorbed, as such,

reference under Section 10 of the Act was made to the Industrial Tribunal, who decided the case in favour of the workmen and held that a continuous casualization of services of workmen amount to 'unfair labour practice' as defined in Item No. 10 in Para 1 of the Fifth Schedule of the Act. Matter was later on taken to the High Court by the management by filing writ petition, which was dismissed resulting in affirmation of the award. Thereafter, intra court appeal was filed before Division Bench of Calcutta High Court and one of the grounds taken here was appointment of most of the workmen were back-door appointment. Strong reliance was placed upon Constitution Bench Judgement of the Hon'ble Apex Court in the case of *Secretary, State of Karnataka & others Vs. Uma Devi (3)* (2006 4 SCC 1) wherein the Hon'ble Apex Court held that any appointment in derogation of the rules or back-door entry is totally illegal and workman cannot claim regularization as a matter of right if their initial appointment was totally against the regulation. This plea of the management was rejected by the Hon'ble Supreme Court by holding that the decision of the Constitution Bench in *Uma Devi* case (*supra*) is not attracted or applicable when the question simply is of regularization or grant of temporary Status. Relevant observations made by the Hon'ble Apex Court are as under:

"34. It is true that the case of *Dharwad District PWD Literate Daily Wage Employees Association Vs. State of Karnataka* (1990 2 SCC 396) arising out of industrial adjudication has been considered in *Umadevi (3)* (2006 4 SCC 1) and that decision has been held to be not laying down the correct law but a careful and complete reading of decision of *Umadevi (3)* leaves no manner of doubt that what this Court was concerned in *Umadevi (3)* was the exercise of power by the High Courts under Article 226 and this Court under Article 32 of the Constitution of India in the matters of Public employment where the employees have been engaged as contractual, temporary or casual workers not based on proper selection as recognized by the rules or procedure and yet orders of their regularization and conferring them status of permanency have been passed.

35. *Umadevi (3)* is an authoritative pronouncement for the proposition that Supreme Court (Article 32) and High Courts (Article 226) should not issue directions of absorption, regularization or permanent continuance of temporary, contractual, casual, daily wage or ad-hoc employees unless the recruitment itself was made regularly in terms of constitutional scheme.

36. *Uma Devi (3)* does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with section 32 of MRTU & PULP Act to order permanency of the workers who have been victim of unfair labour practice on the part of

the employer under item 6 of Schedule IV where the posts on which they have been working exists. Uma Devi (3) cannot be held to have overridden the powers of Industrial and Labour Courts in passing appropriate order under Section 30 of MRTU & PULP Act, once unfair labour practice on the part of the employer under item 6 of Schedule IV is established."

19. Shri B.K. Prasad also placed strong reliance upon the case of Director General Works CPWD Vs. Davinder Singh (LPA 13 of 2008 decided on 12.02.2008) wherein also same question relating the regularization of wireman on muster roll was involved. There were 50 workers working as wiremen whose services were regularized ignoring claim of the petitioners who was senior to them and ultimately a dispute was raised before the Tribunal, who held that the action of the management in not regularizing the services of the workman, *i.e.* wireman, is totally illegal and as such not justified under the law. Thereafter, matter was taken to the Hon'ble High Court of Delhi, who upheld the award of the Tribunal and held as under:

"9. On going through the records, we are of the considered opinion that there is a finding of fact recorded by the Industrial Adjudicator that his junior has since been regularized in service w.e.f. from 31st March, 1993. The appellant could not in any manner challenge the said finding of fact which is arrived at. We are also not inclined to re-appreciate the evidence inasmuch as there is ample evidence on record to prove and establish that his juniors have since been regularised in service. Therefore, it is a case of discrimination and not a case where the ratio of the decision of the case of Uma Devi case (*supra*) would be attracted.

10. In this connection we may appropriately refer to the decision of the Supreme Court in the case of Bal Kishan Vs. Delhi Administration and another (1990) 1 LLJ 61. In paragraph 10 of the said judgment the Supreme Court has also held as under:

"10. In service, there could be only one norm for confirmation of promotion of persons belonging to the same cadre. No junior shall be confirmed or promoted without considering the case of his senior. Any deviation from this principle will have demoralizing effect in service apart from being contrary to Article 16(1) of the Constitution."

11. In U.P. State Electricity Board Vs. Pooran Chandra Pandey and Others 2007 (12) Scale 304 the Supreme Court has held that the judgment in Uma Devi's case cannot be applied mechanically without seeing the facts of a particular case. It was also held in the said decision that the decision in Uma Devi's case (*supra*) is clearly distinguishable. The said decision cannot be applied

to a case where regularization has been sought for in pursuance of Article 14 of the Constitution."

20. Thus, it is clear from the law laid down in the above authorities that services of casual workers is required to be regularized in terms of the office memorandum of the year 1993 and thereafter status of regularization is to be conferred upon the workman, who were eligible to be regularized in accordance with the law. Since most of the workmen herein were senior to the workmen whose names are mentioned in the list, Ex. MW1/W4, as such, claim of the workmen herein regarding grant of temporary status from the year 01.09.1993 is required to be considered in the light of the office memorandum dated 10.09.1993. It is clear from perusal of the list Ex. MW1/W4 that workman mentioned at serial No. 29, 167 and 307, *i.e.* Smt. Laxmi Devi, Shri Rajinder Kumar and Shri Jangliya are junior to Shri Ram Pratap Rai, and others. As discussed above, Shri Ram Pratap Rai was engaged in the 1983 and most of the workmen mentioned in the list Ex. MW1/W4 have also been recruited almost in the same year. As such case of workmen herein was required to be considered in the light of the scheme called 'Casual Labour—Grant of Temporary Status and Regularization Scheme of Government of India, 93.' They were also entitled to pay scales, including dearness allowance, house rent allowance, city compensatory allowance, travelling allowance, increments etc. from time to time. Therefore, action of the management in not considering the case of the workmen whose names are mentioned in Ex. WW1/1 is held to be totally illegal and against the scheme. Consequently, it is held that all the above workmen whose case is covered by office memorandum Ex. WW2/1 and office memorandum Ex. WW2/2, except Shri Phudeni Mehto, S/o/ Shri Laxman Mehto and Shri Bhola Mehto, S/o late Rameshwar Mehto, whose names appear at serial No. 14 and 41 and whose initial date of engagement is 17.12.1994 and 20.04.1998 respectively in the list Ex. WW1/1, are liable to be granted temporary status and regularization. Cases of Phudeni Mehto and Shri Bhola Mehto may be considered for temporary status and regularization in due course as per their eligibility.

21. In view of the above discussions, it is held that there exists industrial dispute between the parties inasmuch as workmen herein fall within the definition of 'workman' and action of the management in not granting equal pay as well as temporary status, including consequential benefits from the due date and regularization of the workmen Shri Ram Pratap Rai and others is total illegal and not in accordance with the office memorandum discussed above. Both the issues are decided accordingly. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A.C. DOGRA, Presiding Officer

Dated: March 18, 2015

नई दिल्ली, 24 मार्च, 2015

का.आ. 603.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा 76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

केन्द्र	क्षेत्र के अंतर्गत आने वाले निम्न राजस्व गाँव
वालपारै क्षेत्र	1. वालपारै तालुक में वालपारै
वालपारै व	2. पोल्लाची तालुक में आनमलै हिल्स
पोल्लाची तालुक कोयम्बतूर जिला	

[सं एस-38013/19/2015-एस-एस-1]

अजय मलिक, अवर सचिव

New Delhi, the 24th March, 2015

S.O. 603.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st April, 2015 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu namely:—

Centre	Area Comprising the Revenue Villages of
Valparai area	1. Valparai
Valparai &	in Valparai Taluk
Pollachi Taluk Coimbatore District	2. Anamalai Hills. in Pollachi Taluk

[No. S-38013/19/2015-SS-1]

AJAY MALIK, Under Secy.

नई दिल्ली, 24 मार्च, 2015

का.आ. 604.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा 76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

“आन्ध्र प्रदेश के कृष्णा जिले के गुडीवाडा मंडल के अधीन आने वाले सभी क्षेत्र”

[सं एस-38013/20/2015-एस-एस-1]

अजय मलिक, अवर सचिव

New Delhi, the 24th March, 2015

S.O. 604.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely:—

“All the areas falling in the Gudivada Mandal Krishana district of Andhra Pradesh.”

[No. S-38013/20/2015-SS-1]

AJAY MALIK, Under Secy.

नई दिल्ली, 24 मार्च, 2015

का.आ. 605.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

“आन्ध्र प्रदेश के नेल्लुरु मंडल के मुथुकुर मंडल के मुथुकुर, ब्रह्मदेवम, जंगाल-कन्दूगा, पिडाथापोलुरु, गोपालपुरम और कृष्णापटनम की राजस्व सीमा के अधीन आने वाले सभी क्षेत्र”

[सं एस-38013/21/2015-एस-एस-1]

अजय मलिक, अवर सचिव

New Delhi, the 24th March, 2015

S.O. 605.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45

which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh, namely:—

"All the areas falling in Muthukur, Brahmadevam, Jangala-Kandriga, Pidathapoluru, Gopalapuram and Krishnapatnam in Muthukur Mandal of Nellore district of Andhra Pradesh."

[No. S-38013/21/2015-SS.-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 24 मार्च, 2015

का.आ. 606.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा -77, 78 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

"आन्ध्र प्रदेश के गुण्टुर जिले के पश्चिमी बापटला, पूर्वी बापटला, कोंडाबोल्लवानिपल्लेम, पिनीबोयिनवनिपल्लेम और वेदुल्लापल्ली बापटला मंडल की राजस्व सीमा के अधीन आने वाले सभी क्षेत्र"

[सं एस-38013/22/2015-एस-एस-1]
अजय मलिक, अवर सचिव

New Delhi, the 24th March, 2015

S.O. 606.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh, namely:—

"All the areas in the Revenue Village of Bapatla and the Hamlet Villages of West Bapatla, East Bapatla, Kondabotlavanipalem, Pinniboyinavani-palem and Vedullapalli of Bapatla Mandal in Guntur district of Andhra Pradesh."

[No. S-38013/22/2015-SS.-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 24 मार्च, 2015

का.आ. 607.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा -77, 78 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

"आन्ध्र प्रदेश के नेल्लुरु जिले के इन्दुकुरपेट मंडल के डेविसपेट गाँव की राजस्व सीमा के अधीन आने वाले सभी क्षेत्र"

[सं एस-38013/23/2015-एस-एस-1]
अजय मलिक, अवर सचिव

New Delhi, the 24th March, 2015

S.O. 607.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely:—

"All the areas falling in Devispet revenue village in Indukurpet Mandal Nellore district of Andhra Pradesh."

[No. S-38013/23/2015-SS.-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 608.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध तेलंगाना राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

"तेलंगाना राज्य के रंगारेड्डी जिले के कीसरा मंडल के राजस्व गाँव अंकिरेड्डी पल्ली" की सीमा के अंतर्गत आने वाले सभी क्षेत्र।

[सं एस-38013/24/2015-एस-एस-1]
अजय मलिक, अवर सचिव

New Delhi, the 25th March, 2015

S.O. 608.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Telangana namely:—

"All the areas falling within the limits of Revenue Village of Ankireddypally of Keesara Mandal in Ranga Reddy District of Telangana State."

[No. S-38013/24/2015-SS-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 609.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

केन्द्र	क्षेत्र के अंतर्गत आने वाले निम्न राजस्व गाँव
तिरुवल्लूर (तिरुवल्लूर) जिले में पोन्नेरी तालुक अत्तिपट्ट क्षेत्र	1. अत्तिपट्ट

[सं. एस-38013/25/2015-एस-एस-1]
अजय मलिक, अवर सचिव

New Delhi, the 25th March, 2015

S.O. 609.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu namely:—

Centre	Area Comprising the Revenue Villages of
Attipattu area Ponneri Taluk Tiruvallur district	1. Attipattu

[No. S-38013/25/2015-SS-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 610.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

केन्द्र	क्षेत्र के अंतर्गत आने वाले निम्न राजस्व गाँव
सेलम जिले	1. मोरुर ईस्ट
संकरी तालुक	2. मोरुर वेस्ट

[सं. एस-38013/26/2015-एस-एस-1]
अजय मलिक, अवर सचिव

New Delhi, the 25th March, 2015

S.O. 610.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu namely:—

Centre	Area Comprising the Revenue Villages of
Morur area Sankari Taluk, Salem District	1. Morur East 2. Morur West

[No. S-38013/26/2015-SS-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 611.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

केन्द्र	क्षेत्र के अंतर्गत आने वाले निम्न राजस्व गाँव
तिरुनेलवेली जिले	1. तुलुक्कर्कुलम (तुलुक्कर्कुलम)
तिरुनेलवेली तालुक	2. कोडगनल्लूर
तुलुक्कर्कुलम (तुलुक्कर्कुलम)	

[सं: एस-38013/27/2015-एसएस-1]

अजय मलिक, अवर सचिव

New Delhi, the 25th March, 2015

S.O. 611.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil-Nadu namely:—

Centre	Area Comprising the Revenue Villages of
Thulukkarkulam area	1. Thulukkarkulam
Tirunelveli Taluk	2. Kodaganallur
Tirunelveli District	

[No. S-38013/27/2015-SS-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 612.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

केन्द्र	क्षेत्र के अंतर्गत आने वाले निम्न राजस्व गाँव
मदुरै जिले	1. पेरुंगुडी
मदुरै साउत तालुक	पेरुंगुडी क्षेत्र

[सं: एस-38013/28/2015-एसएस-1]

अजय मलिक, अवर सचिव

New Delhi, the 25th March, 2015

S.O. 612.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil-Nadu namely:—

Centre	Area Comprising the Revenue Villages of
Perungudi area	1. Perungudi
Maduria South Taluk, Madurai District	

[No. S-38013/28/2015-SS-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 613.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 (धारा-76 की उपधारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

केन्द्र	क्षेत्र के अंतर्गत आने वाले निम्न राजस्व गाँव
तिरुवारूर क्षेत्र	1. कुडवासल तालुक में अम्मयप्पन
कुडवासल एवं नन्निलम तालुक	2. नन्निलम में सोरक्कुडी
तिरुवारूर जिला	3. इलवंगाकुडी
	4. कीलकवत्तकुडी
	5. कन्नियूर

6. मांगुडी
7. तिरुवारूर नार्थ सेती
8. पषवन्कुडी
9. पूलिवलम
10. राम्के
11. सुंदर विलागम
12. तंडलै
13. तिरुवारूर साउत सेती
14. विजयपुरम
तिरुवारूर तालुक में
15. विलमल

[सं एस-38013/29/2015-एसएस 1]
अजय मलिक, अवर सचिव

New Delhi, the 25th March, 2015

S.O. 613.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Section 44 and 45 which have already been brought into force) and Chapter-V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil-Nadu namely:—

Centre	Area Comprising the Revenue Villages of
Thiruvarur area Kudavasal & Nannilam Taluk Thiruvarur District	<ol style="list-style-type: none"> 1. Ammaiayappan In Kudavasal Taluk 2. Sorakkudi In nannilam Taluk 3. Elavangarkudi 4. Keelakavathakudi 5. Kunniyur 6. Mangudi 7. Thiruvarur North Sethi 8. Pazhavanakkudi 9. Pulivalam 10. Ramkey 11. Sundara Vilagam 12. Thandalai 13. Thiruvarur South Sethi 14. Vijayapuram 15. Vilamal In Thiruvarur Taluk

[No. S-38013/29/2015-SS-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 614.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2015 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 (धारा 76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं) के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

“बिकवोले मंडल आन्ध्र प्रदेश के पूर्वी गोदावरी जिले के कनेडु बलभद्रपुरम, बिकवोले गांव की राजस्व सीमा के अधीन आने वाले सभी क्षेत्र।”

[सं एस-38013/30/2015-एसएस-1]
अजय मलिक, अवर सचिव

New Delhi, the 25th March, 2015

S.O. 614.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2015, as the date on which the provisions of Chapter IV (except Section 44 and 45 which have already been brought into force) and Chapter-V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely:—

"All the areas falling within the Limits of Revenue villages of Kanedu Bhalabhadrapuram, Biccavole of Biccavole Mandal of East Godavari district in Andhra Pradesh."

[No. S-38013/30/2015-SS-I]
AJAY MALIK, Under Secy.

नई दिल्ली, 25 मार्च, 2015

का.आ. 615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 34) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं 2, धनबाद के पंचाट (संदर्भ संख्या 190/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/03/2015 को प्राप्त हुआ था।

[सं एल-20012/139/2001-आईआर (सी-1)]
एम् कौ० सिंह, अनुभाग अधिकारी

New Delhi, the 25th March, 2015

S.O. 615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 190/2001) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 25/03/2015.

[No. L-20012/139/2001-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT

Shri Kishori Ram, Presiding Officer

**In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947.**

REFERENCE No. 190 OF 2001

PARTIES:

The Secretary,
National Coal Workers Congress
At: Water Board Colony,
Hirapur, Dhanbad.

Vs.

The Project Officer,
Barora Coal Washery, of M/s.
BCCI, PO: Nawagrah, Dhanbad.
Ministry's Order No L-20012/139/
2001-IR(C-I) dt. 10.07.2001

APPEARANCES

On behalf of the workman/Union	: None.
On behalf of the Management	: Mr. Ganesh Prasad, Ld. Adv.
State	: Jharkhand
Industry	: Coal
Dated	: Dhanbad the 18th Dec., 2014

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/139/2001-IR(C-I) dt. 10.07.2001.

SCHEDULE

"Whether the demand of the NCWC from the Management of BCCL, Barora Coal Washery to regularize Raj Kumar Rawani as Fitter-cum- Operator is proper and justified? If so, to what relief is the concerned workman entitled and from what date?"

2. Not any Union Representative for workman Shri Raj Kumar Rawani nor any witness for the evidence of the workman appeared. Mr. Ganesh Pd., Ld. Advocate for the OP/Management is present.

On going through the case record, I find that the case has been all along pending for the evidence of the workman since 03.03.2006, for which several notices including the last three ones dated. 13.9.11, 25.6.14, and 22.12.14 were issued to the Secretary concerned on his address as noted in the Reference itself. The Union Representative by his conduct just as the workman Raj Kumar Rawani appears to be quite reluctant in pursuing the case for its final disposal. Moreover despite show cause, the Union Representative failed to submit any documents for the case of the workman, which is related to an issue about his regularization as Fitter-cum-Operator.

Under these circumstances, it seems to be no longer an Industrial Dispute. Hence the case is closed as No Industrial Dispute. Accordingly, an order is passed as No Dispute Award.

KISHORI RAM, Presiding Officer

नई दिल्ली, 25 मार्च, 2015

का.आ. 616.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 34) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईंसीएल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, न० 2, धनबाद के पंचाट (संदर्भ संख्या 37/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/03/2015 को प्राप्त हुआ था।

[सं. एल-20012/67/2007-आईआर (सीएम-1)]

एम् के० सिंह, अनुभाग अधिकारी

New Delhi, the 25th March, 2015

S.O. 616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 37/2007 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. ECL and their workmen, received by the Central Government on 25/03/2015.

[No. L-20012/67/2007-IR (CM-I)]

M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT : Shri Kishori Ram,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE No. 37 OF 2007

PARTIES :

The Secretary,
Koyna Mazdoor Congress
Gorai Mansion, G.T. Road, Asansol,

Vs.

General Manager,
Mugma Area of M/s. ECL
PO: Mugma, Distt; Dhanbad.

Ministry's Order No. : L-20012/67/2007-IR(CM-I)
dt. 23.07.2007

APPEARANCES

On behalf of the workman/Union	: None.
On behalf of the Management	: Mr. D.K. Verma. Ld. Adv.
State	: Jharkhand
Industry	: Coal
Dated	: Dhanbad, the 31st Dec., 2014

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/67/2007-IR(CM-I) dt. 23.07.2007.

SCHEDULE

"Whether the action of the Chapapur Colliery of M/s. ECL in dismissing the services of Shri Babulal Bhua, UG Loader, *w.e.f.* 10.04.2003 is justified and legal? If not, to what relief is the concerned workman entitled?"

2. The case record put up in the Lok Adalat held today. None appeared for the Koyna Mazdoor Congress, Asansol (W.B.), but Mr. D.K. Verma, the Ld. Advocate for OP/Management is present.

Mr. Verma, has submitted that since Mr. H.L. Soni, the Secretary of the Union concerned has already by filling a petition in 24.06.2010 had submitted that both the parties have amicably settled the Industrial Dispute as per the Memorandum of Settlement under the signature of Messrs A.K. Sinha and P.K. Sinha, G.M. and P.M. (I.C.), Mugma area respectively, and workman Babulal Bhua as per the letter No. ECL/CMD/C-60/IL/09/DA/1301 dt. 11/14.2.2010.

Under these circumstances, let an Award of Settlement be passed on the basis of the Memorandum of Settlement between both the parties as an integral part of the Award in the Industrial Dispute/Reference which is related to an issue over the dismissal of workman Babulal Bhua, the U/G Loader. Accordingly, the case is disposed of as 'No dispute'.

KISHORI RAM, Presiding Officer

Memorandum of settlement arrived at between the Management of Mugma area and their workman

Namely Design
U.M. No. 886484 Colliery Chapapur
Represented the workman himself.

1. Name of the Party Representing Employer	1. Sri A.K. Singh, General Manager, Mugma Area PO: Mugma, Distt; Dhanbad, Jharkhand.
2. Representing workman:	2. Sri P.K. Sinha, P.M. (IC), Mugma Area, PO: Mugma, Distt: Dhanbad.
	3. Sri Babulal Bhua, Ex-U/G Loader/Man No. 886484, Chapapur Colliery.

SHORT RECITAL OF THE CASE

Sri Babulal Bhua, Design. Ex. UCL U.M. No. 886484 Colliery Chapapur was dismissed from service for his unauthorized absence from duty. Sri Babulal Bhua, represented before the Competent Authority of the Company for consideration of his reinstatement in service.

The appeal for re-instatement was put up before the Competent Authority, ECL, H.Q. and the Competent Authority has been pleased to accord approval for reinstatement in service of Sri Babulal Bhua, as communicated *vide* letter No. ECL/CMD/C-60/IL/09/DA/1301 dated 11/14.12.2010 the Dy. CPM (L&IR) ECL, HQ, Sri Babulal Bhua reported for medical examination before the Area Medical Officer, Mugma Area on 30.03.2010, *i.e.*, within 30 days of getting communication that his re-instatement has been considered subject to the following terms & conditions:—

TERMS AND CONDITIONS

1. Sri Babulal Bhua, should be declared medically fit by the Medical Board.
2. That the employee concerned will not be entitled to any back Wages for the period of his idleness.
3. That the ex-employee on reinstatement will be posted in the underground wherever there is requirement.
4. That the ex-employees on such reinstatement in service shall be on the probation for a minimum period of 1 (one) years and the same will be confirmed only on

receipt of satisfactory performance certification on expiry of probation period by G.M., Mugma Area.

5. That the concerned ex-employee will un-conditionally withdraw all pending claims/disputes raised, if any, by him or any union in any forum/court of law relating to his 'dismissal' and will submit "No Dispute Certificate to the Management".
6. That the period of absence/idleness of the ex-employee shall be treated as dies-non.
7. That the ex-employee will be allowed the benefit of continuity of service for the period of his idleness for the purpose of computation of his final gratuity payment only.
8. That the concerned ex-employee in the event of detection of his already withdrawing payment of gratuity prior to re-instatement, shall refund the same to the Management prior to his reinstatement in service. In case management has deposited it with the ALC©/Controlling Authority due to any reason whatsoever may be, it will be allowed back by the depositing authority on the ground of his re-instatement.
9. That in the event of detection of withdrawal of CMPF accumulation by the ex-employee prior to re-instatement, his case will be regulated as per the CMPF Act/Rules.

Both the parties agreed to the above terms of settlement and the matter is resolved herewith.

Sd/-

1. (A.K. Sinha), General Manager, Mugma Area,

Sd/-

(Babulal Bhuria) Ex. U/G Loader, U.M. No. 886484, Chapapur Colliery

2. Sd/-
(P.K. Sinha), Personnel Manager (IC),
Mugma Area

WITNESSED BY

1. Makar Bouri, 119020,

2. Gabbar Singh 111009

नई दिल्ली, 25 मार्च, 2015

का.आ. 617.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीप्सीएल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 30/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/03/2015 को प्राप्त हुआ था।

[सं. एल-20012/2/2011-आईआर (सीएम-1)]

एम् के० सिंह, अनुभाग अधिकारी

New Delhi, the 25th March, 2015

S.O. 617.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 30/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 25/03/2015.

[No. L-20012/2/2011-IR(CM-I)]

M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT : Shri Kishori Ram,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

REFERENCE No. 30 OF 2011

PARTIES : The Vice President,
Bihar Colliery Kamgar Union, Qr. No. D-1-49,
PO: Bhuli Nagar, Distt; Dhanbad.

Vs.

The General Manager,
Lodna Area of M/s. BCCL, PO: Lodna Distt. Dhanbad.

Order No. L-20012/2/2011-IR(CM-I) dt. 18.10.2011.

APPEARANCES:

On behalf of the workman/Union : Mr. Kameshwar Prasad,
Ld. Advocate

On behalf of the Management : Mr. U.N. Lal,
Ld. Advocate

State : Jharkhand,

Industry : Coal

Dated : Dhanbad, the 30th
Jan. 2015.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/2/2011-IR(CM-I) dt. 18.10.2011.

SCHEDULE

"Whether the action of the Management of Jayrampur Colliery of M/s. BCCL in dismissing Smt. Bedamia

Bhuini, Ex. H/C. Stacker from the services of the Company *vide* order dated 25.12.2002 is fair and justified? To what relief the workman concerned is entitled to?"

On receipt of the Order No. L-20012/2/2011-IR(CM-I) dt. 18.10.2011 of the above mentioned reference from the Government of India, Ministry of Labour & employment, New Delhi for adjudication of the dispute, the Reference Case No. 30 of 2011 was registered on 14.11.2011 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Ld. Counsels appeared in, and contested the case.

2. The case of workman Bedamia Bhuini as sponsored by the Bihar Colliery Kamgar Union is that she was a permanent employee of Jayrampur Colliery working as the Loading Mazdoor. Her right leg had fractured on 03.04.2001. She had got herself admitted in the Company's Central Hospital, Dhanbad on 05.04.2001. Her leg was operated, plastered, continuously treated by the Compan's Doctor from 05.04.2001 to 17.07.2003, the date she was declared fit for resumption of duty. She was advised for complete bed rest. Meanwhile she was issued the chargesheet on 07.01.2002, but she neither received it, nor got any Notice of Enquiry, or any 2nd Show Cause. When she reported the OP/Manager for duty, she got the dismissal order dt. 25.12.2002 for unauthorized absence immediately, she got the Industrial Dispute raised. The OP/Management during conciliation proceedings submitted their negative stand as per the letter dt. 13.01.2010, without producing any charge sheet etc. It indicated the dismissal as fabrication. There was no misconduct of habitual absence under clause of the Certified Standing Orders of the Company. Her last three years' attendances 223, 24, and 52 days in the years 1999, 2000 and 2001 (upto 3.4.2001) clearly indicate she was not a habitual absentee. The period of her absence was her sick period. The dismissal of the Lady worker is highly illegal. So she is entitled to reinstatement with her full back wages and all consequential benefits.

3. In the rejoinder on behalf of the lady worker, all the allegations of the OP/Management have been specifically denied, further alleging that the dismissal order was issued on 25.12.2002 just nine days of the 2nd Show Cause which was issued on 16.12.2002. At least 15 days time is alleged to reply to the 2nd Show Cause. Hence, the decision was taken in haste and in a forged manner. There is no prescription of limitation applicable to the I.D. Act., 1947. The show disciplinary proceeding is fabricated.

4. Whereas the contra case of the OP/Management is that the Lady worker Bedamia Devi was an Ex-H.C. Stacker of Jayrampur colliery. She was unauthorisedly absent from 3.4.2001. She was issued the chargesheet dt. 07.01.2002 under clause 6.1.1. of the Certified Standing Order of the Company for her habitual absence from duty unauthorisedly. She did not reply to it within 07 days. On the appointment of Personnel Officer M.P. Singh and Sri P.K. Singh as the Enquiry Officer and the Management Representative respectively as per the letter dt. 4.2.2002 of the Disciplinary Authority for holding the domestic enquiry, the female employee did not respond to the notice of enquiry. At last, the Enquiry Officer on 04.10.2002 decided to hold the enquiry ex-parte. After ex-party enquiry, the Enquiry Officer submitted his enquiry report to the Disciplinary Authority holding the charges proved against her. The Disciplinary authority considered it and agreed with the findings of the Enquiry Officer. A second Show Cause Notice was issued to the female employment, then the Disciplinary Authority awarded her with the penalty of dismissal as per his letter dt. 25.12.2002, he Industrial dispute was raised by the union concerned, on 27.11.2009 before the ALC© after the seven years of her dismissal. On the notice dt. 08.12.2009 by the ALC©, Dhanbad, the Project Officer, Jairampur, submitted his comment as per the letter dt. 13.2.19 to the ALC/Conciliation Officer. The Industrial dispute on failure of its reconciliation resulted in the reference for an adjudication. The female employee was given full opportunity according to the natural justice. So the action of the Management in dismissing her is justified.

The OP/Management in their simultaneous rejoinder has categorically denied all the allegations of the Lady employee as incorrect, further stating that no intimation was given by her to the Management at the irrelevant time. The Management sought a permission to prove the chargesheet against her, in case the enquiry is found unfair and improper.

FINDING WITH REASONS

5. In the instant reference, on acceptance of the enquiry even ex-parte as fair. Mr. Kameshwar Pd. Ld. Advocate for the Union/Lady worker the domestic enquiry was held as fair by the Tribunal as per Order No. 19 dt. 03.04.2014. At the same time the photocopies and the documents of the Lady worker and the OP/Management as per their own lists were respectively marked their Exhibits for due considerations. It resulted in hearing the final arguments of both the parties on merits.

Mr. U.N. Lal, Ld. Advocate for the OP/Management has submitted that female employee Smt. Bedamia Bhuini, the Ex-H.C. Stacker neither replied to her chargesheet for her misconduct of habitual absentism *w.e.f.* 3.4.2001 or to the enquiry notifies (Extt. M. 3 series) or even to the 2nd Show Cause (Ex. M. 7) nor appeared in the domestic enquiry

nor intimated to the OP/Management about herself, so he was penalized with the penalty of her immediate dismissal from service as per the letter of the Management's letter dt. 25.12.2002 (Ext. M. 8) which was just in the nature of her misconduct; as such, she deserves not any relief. In response to it, Mr. Kameshwar Ld. Counsel for the workwoman inter alia submits that she had been all along under the treatment at the Central Hospital, Dhanbad, for her right leg fracture from 03.04.2001 to 09.02.2002 as per (her treatment documents in photocopies (Extt. W. 1 series); meanwhile after an ex-parte enquiry, she was wrongly dismissed from her service as per the Management's letter dt. 25.12.2002 (Ext. M. 8), as the alleged total absence period in the chargesheet was the total period of the treatment at the Company's Hospital; therefore, it was purely a case of her sickness, but not that of her unauthorized absence; and as such his dismissal is illegal and unjustified, and hence, she is entitled to reinstatement with full back wages with all consequential benefits.

On due consideration of all the materials, I find that the delinquent lady employee failed to *intimate her* long absence from duty caused by her illness and long absence from duty caused by her illness and long treatment during the OP/Management at the relevant time. Nor she took care of discharging her liability to inform of her critical position for her right legal fracture, and its treatment as she was all along treated as the ODT patient at the Central Hospital, Dhanbad, as evident from the prescriptions.

Under these circumstance, it is awarded that the action of the Management of Jayrmapur Colliery of M/s BCCL in dismissing Smt. Bedamia Bhuni, ex-H/C Stacker from the services of the Company as per order dt. 25.12.2002 is fair and justified. Therefore, workman is not entitled to reinstatement with back wages except her any other legal services dues, if any from the OP/Management.

KISHORI RAM, Presiding Officer

नई दिल्ली, 25 मार्च, 2015

का.आ. 618.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०सी०एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमन्यायालय, नं० 2, धनबाद के पंचाट (संदर्भ संख्या 29/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/03/2015 को प्राप्त हुआ था।

[सं० एल-20012/24/2008-आईआर (सी०एम०-1)]
एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 25th March, 2015

S.O. 618.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (4 of 1947), the Central Government

hereby publishes the Award Ref. 29/2008 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s BCCL and their workmen, received by the Central Government on 25/03/2015.

[No.-L-20012/24/2008-IR (CM-I)]
M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Shri Kishori Ram,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 29 OF 2008.

PARTIES :

The Joint Gen. Secretary,
Bahujan Mazdoor Union, C/o Amresh Prasad
Bhulan Bhuli Type.
Dhanbad.

Vs.

The General Manager,
C.V. Area of M/s BCCL, PO: Barakr, Distt: Burdwan
Order No. L-20012/24/2008-IR(CM-I) dt. 28.04.2008.

APPEARANCES:

On behalf of the workman/Union : Mr. R. R. Ram,
Ld. Union Representative

On behalf of the Management : Mr. S. N. Ghosh,
Ld. Advocate

State : Jharkhand

Industry : Coal

Dhanbad, Dated : the 29th Jan. 2015

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/24/2008-IR(CM-I) dt. 28.04.2008.

SCHEDULE

"Whether the action of the Management of Basantimata Colliery of M/s BCCL in dismissing Sh. Monga Bouri, Miner from the services of the Company *w.e.f.* 12.08.2006 is legal and justified? If not, to what relief is the concerned workman entitled?

2. Mr. R.R. Ram, the Representative of the Union concerned and Mr. S.N. Ghosh, Ld. Advocate for OP/Management are present, but neither rejoinder of the workman nor any documents have been filed on behalf of the either side. Meanwhile the aforesaid Union Representative as the Joint General Secretary by filling a petition to day duly seen by Mr. Ghosh under his signature has submitted that the workman Sri Monga Bauri is traceless as such the Union is unable to further contest the case.

In view of the aforesaid situation, I find it is no longer an Industrial Dispute as referred in the reference which is related to an issue about the dismissal of the workman. Hence the case is closed as "No Industrial Dispute" existing. Therefore' an order of No Dispute Award is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 25 मार्च, 2015

का.आ. 619.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०सी०एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं० 2, धनबाद के पंचाट (संदर्भ संख्या 03/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/03/2015 को प्राप्त हुआ था।

[सं० एल-20012/135/2007-आईआर (सीएम-1)]
एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 25th March, 2015

S.O. 619.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 03/2008 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s BCCL and their workmen, received by the Central Government on 25/03/2015.

[No. L-20012/135/2007-IR (CM-I)]
M. K. SINGH, Section Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Shri Kishori Ram,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 03 OF 2008

PARTIES :

General Secretary,
Koyna Ispat Mazdoor Panchayat,
At: Chhatabad No. 5. Post: Katras,
Dhanbad (Jharkhand)-826001

VS.

The General Manager,
Sijua Area of M/s BCCL, PO: Sijua, Dhanbad
Order No. L-20012/135/2007-IR(CM-I) dt. 31.12.2007.

APPEARANCES:

On behalf of the workman/Union : Mr. B.B. Pandey
Ld. Advocate

On behalf of the Management : Mr. D. K. Verma
Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad : the 20th Jan. 2015

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/135/2007-IR(CM-I) dt. 31.12.2007.

SCHEDULE

"Whether the action of the Management of Sendra Bansjora Colliery of M/s M/s BCCL in dismissing the service of Sh. Kamla Kant Chatterjee, Minor Loader .w.e.f. 20.08.2005 is justified and legal? If not, to what relief is the concerned workman entitled?

On receipt of the Order No. L-20012/135/2007-IR (CM-I) dt. 31.12.2007, of the above mentioned reference from the Government of India, Ministry of Labour & employment, New Delhi for adjudication of the dispute, the Reference Case No. 03 of 2008 was registered on 15.01.2008 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleading and photocopies of their documents. The Union and the O.P./Management through their own respective Ld. Counsels appeared in, and contested the case.

2. The case of workman Kamlakant Chatterjee as sponsored by the Koyna Ispat Mazdoor Panchayat, Dhanbad, is that the workman was a permanent employee

of M/s BCCL was working as M/Loader at Sendra Bansjra Colliery under Sijua Area. After taking casual leave from Feb., 12.14.2005, he had gone to his native village where he fell sick; he had informed the Management of it on 16.02.2005 and 23.04.2005. On recovery, he had gone to report for his duty on 09.05.2005 along with his Certificates of UPC and fitness issued by the Doctor concerned, but he was not allowed to resume his duty, and finally was dismissed from his service *w.e.f.* 20.08.2005. He was forced to remain idle from 09.05.2005 to 19.08.2005. The alleged departmental enquiry was not in accordance with the principles of natural justice, as his points raised by him were unconsidered. Awarding him with the major penalty dismissal in place of minor penalty is entitled for reinstatement with the continuity of his service and other due benefits.

The workman in his rejoinder has specifically denied all the allegations of the OP/Management.

3. Whereas, challenging the instant Reference as maintainable, the case of the OP/Management is that the workman concerned was an employee of Sendra Bansjra Colliery under Sijua Area, but he was a habitual absentee, as he was not regular in his work as evident from his three years past record of attendances-32,14, and 105 days in the year 2002 to 2004 respectively. He was previously awarded with censor, stoppage of 3 SPRA, and warning for his unauthorized absences *w.e.f.* 7.2.2002, 4.2.2003 and 08.06.2004 respectively. Likewise, he had unauthorisedly absented from his duty *w.e.f.* 15.02.2005, for the misconduct of which he was issued the chargesheet dt. 26.5.2005. He did not submit his reply to it. On the appointment of Senior Personnel Officer, Ved Prakash as the Enquiry Officer by the Management, the domestic enquiry was fairly conducted in the presence of the workman according to the principle of natural justice. The Enquiry Officer submitted his enquiry report, holding the workman guilty of the charges. Even on the Second Show Cause Notice with the enquiry Report to the workman by the Disciplinary Authority, he had not submitted proper explanation. The Management dismissed the workman *w.e.f.* 20.08.2005 for his provided misconduct. In case, the domestic enquiry found unfair by the Tribunal at preliminary point, the OP/Management sought a permission to adduce evidence afresh to prove the charges. So the dismissal of the workman by the Disciplinary Authority is legal, justified and proportionate to the misconduct, the workman is not entitled to any relief.

The OP/Management in its simultaneously rejoinder has categorically denied the allegations of the workman as wrong, further stating that the workman was a habitual absentee, and despite several times afforded to the workman for improving himself, he committed the same misconduct.

FINDING WITH REASONS

4. In the instant case, in course of hearing at the preliminary point as to the fairness of the domestic enquiry,

the workman as per his petition dt. 21.07.14 has accepted the fairness of the enquiry. In result, the Tribunal as per the Order No. 28 dt. 21.07.14 held the domestic enquiry as fair and proper. Hence, it comes up for hearing the final argument of both the parties on merits.

Mr. B.B. Pandey, Learned Advocate for the Union/ workman has submitted that the workman had served the Company for 14-15 days after his employment on compassionate ground in the year 1998, but he was issued the chargesheet to be replied within 48 days, which is meant for a minor punishment, but not for a major one; he had also replied, yet he was dismissed from service *w.e.f.* 20.07.2005 for his absentism; and thus, awarding the workman with dismissal penalty appears to be disproportionate to the nature of this absentism, so he is entitled to reinstatement in service. But adversely, Mr. D.K. Verma, Ld. Counsel for the OP/Management has contended that despite the exchequer record of the workman's services containing same misconducts of absentism, he was given resumption of his duty subject to the censor and stoppage of 3 SPRA etc., he failed to improve himself; hence the dismissal punishment for the instant misconduct of the workman is quite just and proper; so he is not entitled to any relief.

5. On the perusal and consideration of the materials, it appears to be no dispute that the workman was a permanent M/Loader. It is also beyond dispute that the workman had gone home by taking two days Casual Leave from Feb., 12 to 14, 2005, thereafter he had fallen sick during the aforesaid absentee period. Though he claims to have reported to it to the Management through Under Postal Certificate (UPC) of which receipt had filed in the enquiry; due to his sickness, he appears to have absented. Moreover, the workman appears to have begged pardon for his aforesaid misconduct otherwise he would be dismissed from such misconduct, if committed, further.

6. In the instant case, no second Show Cause was issued to the workman for his proposed such punishment of dismissal, as the alleged second Show Cause Notice dt. 12/15.07.2005 (Ext. M.7) relates to the issuance of chargesheet and the appointment of Mr. Ved Prakash Sr. Personnel Officer as Enquiry Officer. Under these circumstances, the workman appears to be deprived of the due opportunity to represent before his dismissal. In view of the permanent status of the workman, the absolute dismissal of the workman from his service appears to be very harsh and shocking in view of his misconduct due to unavoidable explained reasons. Hence, the Dismissal Order dt. 18/20.08.2005 is liable to be set aside u/s 11 A of the industrial Dispute Act, 1947.

In result it is hereby awarded that action of the Management of Sendra Bansjra Colliery of M/s. BCCL in dismissing the services of Sh. Kamla Kant Chatterjee, the

M/Loader *w.e.f.* 20.08.2005 is not justified nor legal. Therefore, the workman concerned is entitled to restatement in the service of the Company but without back wages yet maintaining continuity of her service.

The Management is directed to implement the Award within a month from the date of its receipt following its publication in the Gazette of India.

KISHORI RAM, Presiding Officer
नई दिल्ली, 25 मार्च, 2015

का.आ. 620.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं० 2, धनबाद के पंचाट (संदर्भ संख्या 38/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.03.2015 को प्राप्त हुआ था।

[सं० एल-20012/44/2008-आईआर (सीएम-1)]

एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 25th March, 2015

S.O. 620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 38/2008 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 25.03.2015.

[No. L-20012/44/2008-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Shri Kishori Ram,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 38 OF 2008

PARTIES :

The Secretary,
Bihar Colliery Kamgar Union,
Jharnapara, Hirupur, Dhanbad.

Vs.

The General Manager,
Katrals Area of M/s. BCCL, PO: Katras, Dhanbad.
Order No. L-20012/44/2008-IR(CM-I) dt. 28.05.2008.

APPEARANCES:

On behalf of the workman/Union	:	Mr. K. Chakraborty Ld. Advocate
On behalf of the Management	:	Mr. D.K. Verma, Ld. Advocate
State	:	Jharkhand
Industry	:	Coal

Dated, Dhanbad : the 29th Jan. 2015

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/44/2008-IR(CM-I) dt. 28.05.2008.

SCHEDULE

"Whether the action of the Management of West Mudidih Colliery of M/s. BCCL in not regularizing the services of Shri Dharmendra Kumar as Driver *w.e.f.* May, 2000 and as Dumper Operator/Haul Pack Operator *w.e.f.* April, 2005 is justified and legal? (ii) To what relief is the concerned workman entitled and from what date?"

2. Neither the Union Representative for Bihar Colliery Kamgar Union nor workman Dharmendra Kumar appeared nor any rejoinder with documents filed on behalf of the workmen nor by the Management. But Mr. D.K. Verma, Ld. Advocate for the OP/Management is present as usual.

From the perusal of the case record, it appears that the case has been all along pending for filing a rejoinder on behalf of the workman and the documents on behalf of the both the parties since 04.04.2012 for which three Regd. Notices dt. 4.4.12, 16.01.2014 and 31.05.13 were issued to the Secretary of the Union concerned on the same address as noted in the Reference itself, yet no response either from the Union Representative or from the workmen himself. The very conducts of the Union Representative and the workmen himself appear to be their uninterestedness and reluctant to peruse the case for its finality. The instant reference is related to an issue of regularisation. Under these circumstances, it is no longer an Industrial Dispute. Accordingly an order of 'No Dispute' is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 25 मार्च, 2015

का.आ. 621.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०एल० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम

न्यायालय, नं 2, धनबाद के पंचाट (संदर्भ संख्या 37/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.03.2015 को प्राप्त हुआ था।

[सं एल-20012/46/2008-आईआर (सीएम-I)]

एम् के० सिंह, अनुभाग अधिकारी

New Delhi, the 25th March, 2015

S.O. 621.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 37/2008 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 25.03.2015.

[No. L-20012/46/2008-IR(CM-I)]

M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Shri Kishori Ram,

Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO 37 OF 2008

PARTIES : The Secretary, Bihar Colliery Kamgar Union, Jharnapara, Hirapur, Dhanbad.

Vs.

The General Manager,

Katras Area of M/s. BCCL, PO: Katras, Dhanbad.

Order No. L-20012/46/2008-IR(CM-I) dt. 28.05.2008.

APPEARANCES:

On behalf of the workman/Union : Mr. K. Chakraborty
Ld. Advocate

On behalf of the Management : Mr. D.K. Verma,
Ld. Advocate

State : Jharkhand

Industry : Coal

Dated : Dhanbad, the 29th Jan. 2015

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/

46/2008-IR(CM-I) dt. 28.05.2008.

SCHEDULE

"Whether the action of the Management of West Mudidih Colliery of M/s. BCCL in not regularizing S/ Sh. Rambali Dusadh, Mukeshwar Oraon and Meghala Mahato as Driver *w.e.f.* May, 2000 and as Dumper Operator/Haul Pack Operator *w.e.f.* April, 2005 is justified and legal? (ii) To what relief are the concerned workman entitled and from what date?"

2. Neither the Union Representative for workmen S/Sh. Rambali Dusadh, Mukeshwar Oraon and Meghalal Mahato appeared nor rejoinder nor any documents on their behalf filed despite three registered notices, each issued to the Secretary of Bihar Colliery Kamgar Union on the address as noted in the Reference. But Mr. D.K. Verma, Ld. Advocate for the OP/Management is present as usual.

From the perusal of the case record, it appears that it has all along been pending for filing a rejoinder and the documents on behalf of the workmen, for which several opportunities have been given. The Union Representative as well as the workmen by their conducts appear to be uninterested or reluctant in pursuing the case for finality. The instant reference relates to an issue of non-regularization of three workmen. Under these circumstances, the case is closed as 'No Industrial Dispute' existing. Hence; an order to that effect is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 25 मार्च, 2015

का.आ. 622.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी०सी०एल० के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं 2, धनबाद के पंचाट (संदर्भ संख्या 80/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.03.2015 को प्राप्त हुआ था।

[सं एल-20012/4/2000-आईआर (सीएम-I)]

एम् के० सिंह, अनुभाग अधिकारी

New Delhi, the 25th March, 2015

S.O. 622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 80/2000 of the Cent. Govt. Indus. Tribunal-cum-Labour No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. CCL and their workmen, received by the Central Government of 25/03/2015.

[No. L-20012/4/2000-IR(CM-I)]

M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Shri Kishori Ram,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 80 OF 2000

Parties : Omilal Azad
Area Secretary
United Coal Workers' Union
PO & Distt: Giridih

Vs.

General Manager,

Giridih Area of M/s CCL, PO: Beniadih, Distt; Giridih.

Ministry's Order No. L-20012/4/2000-(C-I) dt. 24.07.2000

APPEARANCES:

On behalf of the workman/Union : None.
On behalf of the Management : Mr. D.K. Verma
Ld. Adv.
State : Jharkhand
Industry : Coal

Dated, Dhanbad: the 8th Jan. 2015

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/4/2000(C-I) dt. 24.07.2000.

SCHEDULE

"Whether the action of the Management of Giridih Area of M/s CCL in not regularizing Sri Gujar Das in Time Rated job as E.P. Greaser/Helper is justified? If not, to what relief the concerned workman is entitled and from what date?"

2. Neither union Representative for the United Coal Workers Union, Giridih nor workman Gujar Das appeared nor any witness on his behalf produced. But Mr. D.K. Verma, the Ld. Advocate for the OP/Management of Giridih Area of M/s CCL is present.

From the perusal of the case record, it appears that despite three Regd. Notices which were issued to the Secretary of the Union concerned on his address has noted in the reference itself on 12.06.14, 14.07.2008 and 17.11.2014, none appeared on behalf of the workman nor any witness produced on his behalf. It has been pending for the evidence of the workman since 14.06.2006. The Union

Representative as well as the workman by his own conduct appears to be quite unwilling to contest the case for its finality.

Under these circumstances, it seems nor longer an Industrial Dispute existing. Hence, the case is closed as No Industrial Dispute. Accordingly, it is passed on Order of 'No Dispute Award'.

KISHORI RAM, Presiding Officer

नई दिल्ली, 26 मार्च, 2015

का.आ. 623.—जबकि मैसर्स ईएसपीएन सॉफ्टवेयर इंडिया प्राइवेट लिमिटेड, [कोड संख्या डीएल/19955 के अंतर्गत दिल्ली (साउथ) क्षेत्र में] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि 1 एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन किया है।

2. और जबकि केन्द्रीय सरकार के विचार में, अंशादान की दरों के संबंध में उक्त प्रतिष्ठान के भविष्य निधि नियम उक्त अधिनियम की धारा 6 में विनिर्दिष्ट नियमों की तुलना में कर्मचारियों के लिए कम उपयुक्त नहीं हैं और कर्मचारी उक्त अधिनियम अथवा कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त योजना के रूप में संदर्भित) के अंतर्गत सदृश स्वरूप के किसी अन्य प्रतिष्ठान में कर्मचारियों के संबंध में दो जाने वाली अन्य भविष्य निधि प्रसुविधाओं का भी लाभ उठा रहे हैं।

3. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस अधिसूचना के साथ संलग्न शर्तों के अध्यधीन, उक्त प्रतिष्ठान को 01.04.2007 से अगली अधिसूचना तक उक्त योजना के सभी उपबंधों के प्रभाव से छूट प्रदान करती है।

[सं. एस-35015/101/2014-एसएस-II]

सुभाष कुमार, अवर सचिव

अनुबंध

कर्मचारी भविष्य निधि योजना, 1952 के उपबंधों से छूट प्रदान करने संबंधी शर्तें

1. नियोक्ता समय-समय पर केन्द्रीय सरकार अथवा केन्द्रीय भविष्य निधि आयुक्त, जैसी भी स्थिति हो, द्वारा दिए जाने वाले ऐसे निदेशों के अनुसार भविष्य निधि के प्रबंधन हेतु अपनी अध्यक्षता में एक न्यासी बोर्ड गठित करेगा। भविष्य निधि न्यासी बोर्ड में विहित होगी जो अन्य बातों के साथ-साथ कर्मचारी भविष्य निधि संगठन के प्रति भविष्य निधि में प्राप्तियों और उसमें से भुगतान के उचित लेखों और उनकी अभिरक्षा में शेष राशि के लिए उत्तरदायी होगा। इस प्रयोजनार्थ, "नियोक्ता" से:—

- (i) किसी प्रतिष्ठान, जो एक कारखाना हो, उसके संबंध में, कारखाने का स्वामी अथवा अधिष्ठाता अभिप्रेत होगा; और
- (ii) किसी अन्य प्रतिष्ठान के संबंध में, वह व्यक्ति, अथवा प्राधिकारी अभिप्रेत होगा, जिसका उस प्रतिष्ठान के कामकाज पर अंतिम नियंत्रण हो।

2. न्यासी बोर्ड हरेक तिमाही में कम से कम एक बार बैठक करेगा और वह केन्द्र सरकार/केन्द्रीय भविष्य निधि आयुक्त (सीपीएफसी) अथवा उसके द्वारा प्राधिकृत किसी अधिकारी द्वारा समय-समय पर जारी किए जाने वाले दिशानिर्देशों के अनुसार कार्य करेगा ।

3. अधिनियम की धारा 2(च) में यथा परिभाषित सभी कर्मचारी, जो भविष्य निधि के सदस्य बनने के पात्र रहें हैं, यदि प्रतिष्ठान को छूट प्रदान नहीं की होती, उन्हें सदस्यों के रूप में नामांकित किया जाएगा ।

4. जहां कोई कर्मचारी जो पहले ही किसी अन्य छूट-प्राप्त प्रतिष्ठान के किसी कर्मचारी भविष्य निधि अथवा भविष्य निधि का सदस्य है, उसे उसके प्रतिष्ठान में नियोजित किया जाता है, जो नियोक्ता उसे तत्काल निधि के सदस्य के रूप में नामांकित करेगा । नियोक्ता ऐसे कर्मचारी के भविष्य निधि खाते में उसके पहले नियोक्ता से संचय राशियां अंतरित और जमा करवाने की भी व्यवस्था करेगा ।

5. नियोक्ता भविष्य निधि को उसके द्वारा और कर्मचारी के द्वारा समय-समय पर अधिनियम के अंतर्गत निर्धारित दर से देय अंशदान को, जिस माह के लिए अंशदान देय हों, उसके बाद के माह की 15 तारीख तक न्यासी बोर्ड को अंतरित करेगा । नियोक्ता न्यासी बोर्ड को किन्हीं देयों के भुगतान में किसी विलम्ब के लिए अधिनियम की धारा 7 के उपबंधों के अनुसार साधारण ब्याज अदा करने का दायी होगा ।

6. नियोक्ता भविष्य निधि के प्रशासन के सभी व्यय वहन करेगा और चोरी, डकैती, गबन, दुर्विनियोग अथवा किसी अन्य कारण से भविष्य निधि को हो सकने वाले किसी घाटे की भी भरपाई करेगा ।

7. न्यासी बोर्ड द्वारा घोषित ब्याज में किसी कमी को भी नियोक्ता द्वारा पूरा किया जाना होगा और उसे सांविधिक सीमा तक लाना होगा ।

8. नियोक्ता जब कभी नियम संशोधित किए जाएं, समुचित प्राधिकारी द्वारा यथा अनुमोदित, निधि के नियमों की एक प्रति अधिसंख्यक कर्मचारियों की भाषा में उनके अनुवाद सहित प्रतिष्ठान के सूचना पट पर प्रदर्शित करेगा ।

9. प्रतिष्ठान के भविष्य निधि नियमों के अंतर्गत निर्धारित देय अंशदान की दर, अग्रिम की शर्तें और मात्रा तथा अन्य मामले और सदस्य के मासिक चालू शेष पर संगठित और न्यासी बोर्ड द्वारा घोषित, प्रत्येक सदस्य के खाते में जमा किया गया ब्याज, अधिनियम और उसके अंतर्गत निर्मित योजना में निर्धारित विभिन्न उपबंधों के अंतर्गत केन्द्र सरकार द्वारा घोषित दर से कम नहीं होगा ।

10. योजना में कोई संशोधन, जो प्रतिष्ठान के विद्यमान नियमों की तुलना में कर्मचारियों के लिए अधिक लाभदायक हो, उसे न्यास के नियमों में औपचारिक संशोधन के लंबित रहते उन पर स्वतः लागू किया जाएगा ।

11. नियोक्ता द्वारा नियमों में कोई भी संशोधन क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जाएगा । क्षेत्रीय भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना रुख स्पष्ट करने का वाजिब अवसर देगा ।

12. निकासी, अग्रिम और अंतरण के सभी दावे कर्मचारी भविष्य निधि संगठन द्वारा निर्धारित अधिकतम समय सीमा के भीतर, शीघ्रता से निपटाएं जाएंगे ।

13. न्यासी बोर्ड प्रत्येक कर्मचारी के संबंध में जमा किए गए अंशदान, निकासी और व्याज दर्शने के लिए विस्तरित लेखों का रख-रखाव करेगा । ऐसे अभिलेखों का रख-रखाव अधिमानतः इलैक्ट्रॉनिक रूप से रखा जाएगा । प्रतिष्ठान आवधिक रूप से जब कभी केन्द्रीय भविष्य निधि आयुक्त/क्षेत्रीय भविष्य निधि आयुक्त द्वारा निदेश दिया जाए, सदस्यों के लेखों को इलैक्ट्रॉनिक रूप से सम्प्रेषित करेंगे ।

14. न्यासी बोर्ड वर्ष में एक बार वित्तीय/लेखा वर्ष के समाप्त होने के छः माह के भीतर प्रत्येक कर्मचारी को निःशुल्क लेखों का वार्षिक विवरण अथवा पासबुक जारी करेगा । जब कभी सदस्य चाहें, अतिरिक्त प्रिंटऑफ नाममात्र के प्रभार के साथ उपलब्ध कराए जा सकते हैं । पासबुक के मामले में वह कर्मचारी के पास रहेगी जिसे प्रस्तुत किए जाने पर न्यासियों द्वारा आवधिक रूप से अद्यतन किया जाएगा ।

15. नियोक्ता सभी सदस्यों को उनकी आवश्यकतानुसार कम्प्यूटर टर्मिनलों से अपने खाते में पड़ी शेष राशि को देखने के समर्थ बनाने के लिए आवश्यक प्रावधान करेंगे ।

16. न्यासी बोर्ड और नियोक्ता कर्मचारी भविष्य निधि संगठन द्वारा यथा विहित रूप में ये विवरणियां विनिर्दिष्ट समय सीमा के भीतर मासिक/वार्षिक रूप से दायर करेंगे, जिसे न करने पर इसे चूक माना जाएगा तथा न्यासी बोर्ड और नियोक्ता संयुक्त रूप से और अलग-अलग, कर्मचारी भविष्य निधि संगठन द्वारा की जाने वाली उपयुक्त दाण्डक कार्रवाई की भागी होंगे ।

17. न्यासी बोर्ड समय-समय पर सरकार के निर्देशों के अनुसार भविष्य निधि के पैसे का निवेश करेगा । सरकार के निर्देशों के अनुसार निवेश करने में असफल होने पर न्यासी बोर्ड अलग-अलग और संयुक्त रूप से केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधि द्वारा यथा अधिरोपित अधिशुल्क का भागी बन जाएगा ।

18. (क) प्रतिभूतियां न्यास के नाम से प्राप्त की जाएंगी । इस प्रकार प्राप्त की गई प्रतिभूतियां अभौतिक (डीमेट) रूप में होनी चाहिए तथा न्यास के कार्यचालित रहने वाले क्षेत्रों में अपेक्षित सुविधा के उपलब्ध न होने की स्थिति में न्यासी बोर्ड संबंधित क्षेत्रीय भविष्य निधि आयुक्त को इसकी सूचना देंगे ।

(ख) न्यासी बोर्ड लिपि-वार रजिस्टर बनाएगा तथा ब्याज की समय पर उगाही सुनिश्चित करेगा ।

(ग) डीमेट खाता इस संबंध में केन्द्रीय सरकार द्वारा जारी अनुदेशों के अनुसार भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित निष्क्रियागार प्रतिभागियों के माध्यम से खोला जाए ।

(घ) डीमेट खाते का खर्च न्याय द्वारा किए जाने वाले निवेश का प्रासंगिक व्यय व्यय माना जाए । प्रतिभूतियां आदि की खरीद की दलाली जैसे निवेशों के सभी प्रकार के खर्चों को भी न्यास द्वारा किए जाने वाले निवेश का प्रासंगिक व्यय माना जाएगा ।

19. प्रतिभूतियों और बाण्डों की खरीद जैसे ऐसे सभी निवेश भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित निक्षेपागार प्रतिभागियों की सुरक्षा अभिरक्षा में दर्ज किए जाएं, जो इसके संरक्षक होंगे। स्थापना की बंदी या परिसमापन या कर्मचारी भविष्य निधि, 1952 से छूट पर यह संरक्षक, न्यास के नाम पर प्राप्त तथा अपने जमा में पड़े निवेश को संबंधित क्षेत्रीय भविष्य निधि आयुक्त के, इस आशय के, अनुरोध पर संबंधित क्षेत्रीय भविष्य निधि आयुक्त को सीधे अंतरित करेगा।

20. स्थापना संबंधित क्षेत्रीय भविष्य निधि आयुक्त को उन निक्षेपागार प्रतिभागियों (भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित) के विवरण से सूचित करेगी, जिनके पास तथा जिनकी सुरक्षा अभिरक्षा में न्यास के नाम पर किए गए निवेश अर्थात् प्रतिभूतियों, बाण्डों आदि में किए गए निवेश दर्ज किए गए हैं। तथापि, न्यासी बोर्ड उस धनराशि की उगाही कर सकता है, जो दावों के निपटान, नियमानुसार अग्रिमों की मंजूरी और नियोक्ता की सेवा छोड़ने की स्थिति में सदस्य के भविष्य निधि संचयन के अंतरण और प्रतिभूतियों की बिक्री द्वारा अन्य किसी प्राप्तियों अथवा क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के शर्ताधीन निधि के नाम में पड़े अन्य निवेशों जैसे बाध्यकारी व्ययों को पूरा करने के लिए अपेक्षित हों।

21. न्यास द्वारा किए गए निवेशों के लिए किसी वित्तीय या अन्य संस्थाओं द्वारा दिए जाने वाले किसी कमीशन, प्रोत्साहन, बोनस या अन्य अर्थीक लाभ इसके खाते में डाले जाएं।

22. नियोक्ता और न्यासी बोर्ड के सदस्य शर्तों का पालन करने की सहमति देते हुए लिखित वचन देंगे तथा यह वैधिक रूप से नियोक्ता और न्यासी बोर्ड के उत्तराधिकारियों और समनुदेशियों पर उनके साथ-साथ बाध्यकारी होगा।

23. नियोक्ता और न्यासी बोर्ड छूट के रद्द होने की स्थिति में संबंधित क्षेत्रीय भविष्य निधि आयुक्त द्वारा विहित समय सीमा के भीतर तत्काल निधियों का अंतरण करने का वचन भी देगा। यह उन पर कानूनी रूप से बाध्यकारी होगा तथा उन्हें निधियों के अंतरण में कोई विलंब होने ही स्थिति में अभियोजन का भागी बनाएगा।

24. (क) न्यासी बोर्ड द्वारा अनुरक्षित भविष्य निधि खाता किसी योग्य स्वतंत्र चार्टर्ड लेखाकार द्वारा वार्षिक रूप से लेखा-परीक्षा करने के शर्ताधीन होगा। जहां भी आवश्यक समझा जाए, वहां कर्मचारी भविष्य निधि संगठन को अधिकार होगा कि यह किसी अन्य योग्य लेखा-परीक्षा द्वारा खातों की लेखा-परीक्षा कराए तथा इस प्रकार हुए खर्च नियोक्ता द्वारा वहन किए जाएं।

(ख) लेखा-परीक्षकों द्वारा वित्तीय वर्ष अर्थात् 1 अप्रैल से 31 मार्च तक की समाप्ति के बाद छह महीने के भीतर लेखा-परीक्षीत तुलन-पत्र सहित लेखा-परीक्षक की रिपोर्ट की प्रति सीधे इस कार्यालय में प्रस्तुत की जाए। तुलन-पत्र का प्रारूप और इस रिपोर्ट में प्रस्तुत की जाने वाली जानकारी कर्मचारी भविष्य निधि संगठन द्वारा निर्धारित की जाएगी तथा संबंधित क्षेत्रीय भविष्य निधि आयुक्त के कार्यालय में इलैक्ट्रॉनिक प्रारूप के साथ हस्ताक्षरित प्रतिलिपि में उपलब्ध कराई जाएगी।

(ग) एक ही लेखा-परीक्षकों को लगातार दो वर्ष के लिए तथा अगले वित्तीय वर्ष के पहले दिन से मिली छूट से अधिक के लिए नियुक्त न किया जाए।

25. लगातार तीन वित्तीय वर्षों तक कोई हानि या पूंजी आधार में कटौती को अगले वित्तीय वर्ष के पहले दिन से मिली छूट प्राप्त होगी।

26. नियोक्ता प्रत्येक माह की समाप्ति से 15 दिन के भीतर निरीक्षण हेतु ऐसी सुविधाओं का प्रावधान करेगा तथा ऐसे निरीक्षण प्रभारों का भुगतान करेगा जो केन्द्रीय सरकार द्वारा अधिनियम की धारा 17 के उप-खण्ड (3) के खण्ड (क) के अंतर्गत समय-समय पर दिए निर्देशों के अनुसार हों।

27. न्यासी बोर्ड या नियोक्ता द्वारा छूट देने के लिए शर्तों के किसी उल्लंघन की स्थिति में दी गई छूट संबंधित व्यक्ति को इस संबंध में कारण बताओ नोटिस जारी करने के बाद रद्द कर दी जाएगी।

28. किसी भी धोखे, गबन, गलत निवेश निर्णयों आदि के फलस्वरूप ट्रस्ट को हुए किसी भी नुकसान की स्थिति में नियोक्ता नुकसान पूरा करने का भागी होगा।

29. किसी विलय, अविलय अधिग्रहण बिक्री एकीकरण, सहायक कंपनी का गठन चाहे पूर्णतः स्वामित्व वाली हो या नहीं इत्यादि के फलस्वरूप यदि प्रतिष्ठान की कानूनी स्थिति में कोई भी बदलाव होता है तो दी गई छूट निरस्त होगी एवं प्रतिष्ठान को तुरंत नई छूट देने के लिए मामले की रिपोर्ट करनी चाहिए।

30. एक ही भविष्य निधि ट्रस्ट में एक से अधिक इकाई/प्रतिष्ठानों के भाग लेने की स्थिति में भाग लेने वाली इकाईयों के किसी भी ट्रस्टी/नियोक्ता द्वारा कोई भी चूक होने पर सभी ट्रस्टी संयुक्त रूप से एवं अलग से जिम्मेदार/उत्तरदायी होंगे और आरपीएफसी आम भविष्य निधि ट्रस्ट के सभी न्यासियों के विरुद्ध उपयुक्त कानूनी कार्रवाई करेगा।

31. छूट प्राप्त न्यास निधि के अधिग्रहण के मामले में, अंतरीय व्याज के कारण हानि के अनुमानित निवल वर्तमान मूल्य की वसूली प्रतिष्ठान से की जानी चाहिए।

32. केन्द्र सरकार प्रतिष्ठान की छूट की निरंतरता के लिए शर्तों को बढ़ा सकती है और जब भी इनको संप्रेषित किया जाएगा ये प्रतिष्ठान इन अतिरिक्त शर्तों का अनुपालन करने के लिए बाध्य होंगे।

New Delhi, the 26th March, 2015

S.O. 623.—Whereas M/s. ESPN Software India Pvt. Limited [under Code No. DL/19955 in Delhi (South) region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rate of contribution are not less favourable to employees therein than those

specified in section 6 of the said Act and the employees are also in enjoyment of the other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions annexed with this notification, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 01-04-2007 until further notification.

[No. S-35015/101/2014-SS-II]
SUBHASH KUMAR, Under Secy.

ANNEXURE

CONDITIONS FOR GRANT OF EXEMPTION FROM THE PROVISIONS OF EMPLOYEES PROVIDENT FUND SCHEME, 1952

1. The employer shall establish a Board of Trustees under his Chairmanship for the management of the Provident Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Funds Organisation, *inter alia*, for proper accounts of the receipts into and payment from the Provident Fund and the balance in their custody. For this purpose, the "employer" shall mean:—

- (i) In relation to an establishment, which is a factory, the owner or occupier of the factory: and
- (ii) In relation to any establishment, the person who, or the authority, that has the ultimate control over the affairs of the establishment.

2. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner (CPFC) or an officer authorized by him.

3. All employees' as defined in section 2(f) of the act, who have been eligible to become members of the Provident Fund' had the establishment not been granted exemption, shall be enrolled as members.

4. Where an employee who is already a member of Employees' Provident Fund or a Provident Fund of any other exempted establishment is employed in his

establishment, the employer shall immediately enroll him as a member of the fund. The employer should also arrange to have the accumulations in the Provident Fund account of such employee with his previous employer transferred and credited into his account.

5. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees at the rate prescribed under the act from time to time by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest in terms of the provisions of Section 7Q of the Act for any delay in payment of any dues towards the Board of Trustees.

6. The employer shall bear all the expenses of the administration of Provident Fund and also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

7. Any deficiency in the interest declared by the Board of Trustees is to be made good by the employer to bring it up to the statutory limit.

8. The employer shall display on the notice board of the establishment, a copy of the rules of the funds as approved by the appropriate authority and as and when amended thereto along with a translation in the language of the majority of the employees.

9. The rate of contributions payable, the conditions and quantum of advances and other matters laid down under the provident fund rules of the establishment and the interest credited to the account of each member, calculated on the monthly running balance of the member and declared by the Board of Trustees shall not be lower than those declared by the Central Government under the various provisions prescribed in the Act and Scheme framed thereunder.

10. Any amendment to the Scheme, which is more beneficial to the employees than the existing rules of the establishment, shall be made applicable to them automatically pending formal amendment of the Rules of the Trust.

11. No amendment in the rules shall be made by the employer without the prior approval of the Regional Provident Fund Commissioner. The Regional Provident Fund Commissioner shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

12. All claims for withdrawals, advances and transfers should be settled expeditiously, within the maximum time

frame prescribed by the Employees' Provident Fund Organisation.

13. The Board of Trustees shall maintain detailed accounts to show the contributions credited withdrawal and interest in respect of each employee. The maintenance of such records should preferably be done electronically. The establishments should periodically transmit the details of members' accounts electronically as and when directed by the Central Provident Commissioner/Regional Provident Fund Commissioner.

14. The Board of Trustees shall issue an annual statement of accounts or passbooks to every employee within six months of the close of financial/accounting year free of cost once in the year. Additional printouts can be made available as and when the members want, subject to nominal charges. In case of passbook, the same shall remain in custody of employee to be updated periodically by the Trustees when presented to them.

15. The employer shall make necessary provisions to enable all the members to be able to see their account balance from the computer terminals as and when required by them.

16. The Board of Trustees and the employer shall file such returns monthly/annually as may be prescribed by the Employees' Provident Fund Organisation within the specified time limit, failing which it will be deemed as a default and the Board of Trustees and employer will jointly and separately be liable for suitable penal action by the Employees' Provident Fund Organisation.

17. The Board of Trustees shall invest the monies of the provident fund as per the directions of the Government from time to time. Failure to make investments as per directions of the Government shall make the Board of Trustees separately and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

18. (a) The securities shall be obtained in the name of Trust. The securities so obtained should be in dematerialized (DEMAT) form and in case the required facility is not available in the areas where the trust operates the Board of Trustees shall inform the Regional Provident Fund Commissioner concerned about the same.

(b) The Board of Trustees shall maintain a script wise register and ensure timely realization of interest.

(c) The DEMAT Account should be opened through depository participants approved by Reserve Bank of India and Central Government in accordance with the instructions issued by the Central Government in this regard.

(d) The cost of maintaining DEMAT account should be treated as incidental cost of investment by the Trust. Also all types of investments like brokerage for purchase of securities etc. shall be treated as incidental cost of investment by the Trust.

19. All such investments made like purchase of securities and bonds, should be lodged in the safe custody of depository participants approved by Reserve Bank of India and Central Government, who shall be the custodian of the same. On closure of establishment or liquidation or cancellation of exemption from EPF Scheme, 1952 such custodian shall transfer the investment obtained in the name of the Trust and standing in its credit to the Regional PF Commissioner concerned directly on receipt of request from the Regional PF Commissioner concerned to that effect.

20. The establishment shall intimate to the Regional P.F. Commissioner concerned the details of depository participants (approved by RBI and Central Government), with whom and in whose safe custody, the investments made in the name of trust, *viz.*, investments made in securities, bonds, etc. have been lodged. However, the Board of Trustees may raise such sum of sums of money as may be required for meeting obligatory expenses such as settlement of claims, grant of advances as per rules and transfer of member's PF accumulations in the event of his/ her leaving service of the employer and any other receipts by sale of the securities or other investments standing in the name of the Fund subject to the prior approval of the Regional PF Commissioner.

21. Any commission, incentive, bonus or other pecuniary rewards given by any financial or other institutions for the investments made by the Trust should be credited to its account.

22. The employer and the members of the Board of Trustees, shall furnish a written undertaking agreeing to abide by the conditions and this shall be legally binding on the employer and the Board of Trustees, including their successors and assignees.

23. The employer and the the Board of Trustees shall also give an undertaking to transfer the funds promptly within the time limit prescribed by the concerned RPFC in the event of cancellation of relaxation. This shall be legally binding on them and will make them liable for prosecution in the event of any delay in the transfer of funds.

24. (a) The account of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent chartered accountant annually. Where considered necessary the EPFO shall have the right

to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

(b) A copy of the Auditor's report alongwith the audited balance sheet should be submitted to this office by the Auditors directly within six months after the closing of the financial year from 1st April to 31st March. The format of the balance sheet and the information to be furnished in the report shall be prescribed by the Employees' Provident Fund Organisation and made available with the RPFC office in electronic format at well as signed hard copy.

(c) The same auditors should not be appointed for two consecutive years and not more than the relaxation withdrawn from the first day of the next succeeding financial year.

25. Any loss for the three consecutive financial years or erosion in the capital base shall have the relaxation withdrawn from the first day of the next succeeding financial year.

26. The employer shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of Section 17 of the Act within 15 days from the close of every month.

27. In the event of any violation of the conditions for grant of relaxation, by the employer or the Board of Trustees, the relaxation granted shall be cancelled after issuing a show-cause notice in this regard to the concerned persons.

28. In the event of any loss to the trust as a result of any fraud, defalcation, wrong investment decisions etc. the employer shall be liable to make good the loss.

29. In case of any change of legal status of the establishment as a result of merger, de-merger, acquisition, sale, amalgamation, formation of a subsidiary, whether wholly owned or not etc., the relaxation granted shall stand revoked and the establishment should promptly report the matter for grant of fresh relaxation.

30. In case there are more than one unit/establishment participating in the common Provident Fund Trust, all the trustees shall be jointly and separately liable/responsible for any default committed by any of the trustees/employer of any of the participating units and the RPFC shall take suitable legal action against all the trustees of the common Provident Fund Trust.

31. In case of takeover of the exempted Trust Fund, estimated net present value of the loss of differential interest should be recovered from the establishment.

32. The Central Government may lay down further conditions for continuation of exemption of the

establishment and the establishment shall be bound to comply with these additional conditions as and when the same are communicated.

नई दिल्ली, 26 मार्च, 2015

का.आ. 624.—केन्द्रीय सरकार, कर्मचारी भविष्य-निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 14का द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में जारी की गई अधिसूचना सं का०आ० 2874, तारीख 08.10.2008 को अधिक्रांत करते हुए क्रमशः: उन सभी प्रादेशिक भविष्य-निधि आयुक्तों को, जिसके क्षेत्र में स्थापन या उसका मुख्य कार्यालय आता है, पूर्वाकृत धारा के उपबंधों के अधीन केन्द्रीय भविष्य-निधि आयुक्त में निहित शक्तियों का, प्रयोग करने के लिए भी प्राधिकृत करती है।

अनुसूची

1. राष्ट्रीय राजधानी राज्यक्षेत्र, दिल्ली।
2. आंध्र प्रदेश राज्य तथा पुडुचेरी संघ राज्यक्षेत्र का यनम क्षेत्र।
3. असम, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मेघालय, मिजोरम और त्रिपुरा राज्य।
4. बिहार राज्य।
5. छत्तीसगढ़ राज्य।
6. गोवा राज्य।
7. गुजरात राज्य, दमण और द्वीप तथा दादरा और नागर हवेली संघ राज्यक्षेत्र।
8. हरियाणा राज्य।
9. हिमाचल प्रदेश राज्य।
10. झारखण्ड राज्य।
11. कर्नाटक राज्य।
12. केरल राज्य, लक्ष्मीप का संघ राज्यक्षेत्र तथा पुडुचेरी संघ राज्यक्षेत्र का माहे क्षेत्र।
13. मध्य प्रदेश राज्य।
14. महाराष्ट्र राज्य।
15. ओडिशा राज्य।
16. पंजाब राज्य तथा चंडीगढ़ संघ राज्यक्षेत्र।
17. राजस्थान राज्य।
18. तमिलनाडु राज्य तथा पुडुचेरी संघ राज्यक्षेत्र के माहे और यनम क्षेत्र के सिवाय।
19. उत्तराखण्ड राज्य।
20. उत्तर प्रदेश।
21. पश्चिमी बंगाल राज्य एवं अंडमान और निकोबार द्वीप समूह संघ राज्यक्षेत्र तथा सिक्किम राज्य।
22. तेलंगाना राज्य (02.06.2014 को प्रभावी)।

[सं० एस-35012/02/2008-एसएस-II]

सुभाष कुमार, अवर सचिव

New Delhi, the 26th March, 2015

S.O. 624.—In exercise of powers conferred by section 14 AC of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) and in supersession of notification no. S.O. 2874 dated 08.10.2008 issued in this regard, the Central Government hereby authorizes that the powers vested in the Central Provident Fund Commissioner under the provisions of the above said section shall also be exercisable within each of the regions specified in the Schedule by the respective Regional Providents Fund Commissioners in whose region the establishment is covered or has its Head Office.

SCHEDULE

1. The National Capital Territory of Delhi.
2. The State of Andhra Pradesh and the Yanam area of the Union Territory of Puducherry.
3. The States of Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram and Tripura.
4. The State of Bihar.
5. The State of Chhattisgarh.
6. The State of Goa.
7. The State of Gujarat, the Union Territory of Daman and Diu and Dadra and Nagar Haveli.
8. The State of Haryana.
9. The State of Himachal Pradesh.
10. The State of Jharkhand.
11. The State of Karnataka.
12. The State of Kerala, the Union Territory of Lakshadweep and the Mahe area of the Union Territory of Puducherry.
13. The State of Madhya Pradesh.
14. The State of Maharashtra.
15. The State of Odisha.
16. The State of Punjab and Union Territory of Chandigarh.
17. The State of Rajasthan.
18. The State of Tamil Nadu and the Union Territory of Puducherry except the Mahe and Yanam area of the Union Territory.
19. The State of Uttarakhand.
20. The State of Uttar Pradesh.
21. The State of West Bengal and Union Territory of Andaman and Nicobar Island and the State of Sikkim.
22. The State of Telangana (w.e.f. 02.06.2014)

[No. S-35012/03/2008-S.S. II]

SUBHASH KUMAR, Under Secy.

नई दिल्ली, 26 मार्च, 2015

का.आ. 625.—जबकि मैसर्स टाया मार्कोंपोलो मोर्टर्स लिमिटेड [कोड संख्या यूपी०/43067/के अंतर्गत लग्ननऊ उप-क्षेत्रीय कार्यालय में] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि एवं प्रकार्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन किया है।

2. और जबकि केन्द्रीय सरकार के विचार में, अंशदान की दरों के संबंध में उक्त प्रतिष्ठान के भविष्य निधि नियम उक्त अधिनियम की धारा 6 में विनिर्दिष्ट नियमों की तुलना में कर्मचारियों के लिए कम उपयुक्त नहीं है और कर्मचारी उक्त अधिनियम अथवा कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त योजना के रूप में संदर्भित) के अंतर्गत सदृश स्वरूप के किसी अन्य प्रतिष्ठान में कर्मचारियों के संबंध में दी जाने वाली अन्य भविष्य निधि प्रसुविधाओं का भी लाभ उठा रहे हैं।

3. अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए और इस अधिसूचना के साथ संलग्न शर्तों के अध्यधीन, उक्त प्रतिष्ठान को इस अधिसूचना की तारीख से अगली अधिसूचना तक उक्त योजना के सभी उपबंधों के प्रभाव से छूट प्रदान करती है।

[सं० एस-35015/114/2014-एसएस-II]

सुभाष कुमार, अवर सचिव

अनुबंध

कर्मचारी भविष्य निधि योजना, 1952 के उपबंधों से छूट प्रदान करने संबंधी शर्तें

1. नियोक्ता समय-समय पर केन्द्रीय सरकार अथवा केन्द्रीय भविष्य निधि आयुक्त, जैसी भी स्थिति हो, द्वारा दिए जाने वाले ऐसे निदेशों के अनुसार भविष्य निधि के प्रबंधन हेतु अपनी अध्यक्षता में एक न्यासी बोर्ड गठित करेगा। भविष्य निधि न्यासी बोर्ड में विहित होगी जो अन्य बातों के साथ-साथ कर्मचारी भविष्य निधि संगठन के प्रति भविष्य निधि में प्राप्तियों और उसमें से भुगतान के उचित लेखों और उनकी अभिरक्षा में शेष राशि के लिए उत्तरदायी होगा। इस प्रयोजनार्थ, “नियोक्ता” से:-

- (i) किसी प्रतिष्ठान, जो एक कारखाना हो, उसके संबंध में, कारखाने का स्वामी अथवा अधिष्ठाता अभिप्रेत होगा; और
- (ii) किसी अन्य प्रतिष्ठान के संबंध में, वह व्यक्ति, अथवा प्राधिकारी अभिप्रेत होगा, जिसका उस प्रतिष्ठान के कामकाज पर अंतिम नियंत्रण हो।

2. न्यासी बोर्ड हरेक तिमाही में कम से कम एक बार बैठक करेगा और वह केन्द्र सरकार/केन्द्रीय भविष्य निधि आयुक्त (सीपीएफसी) अथवा उसके द्वारा प्राधिकृत किसी अधिकारी द्वारा समय समय पर जारी किए जाने वाले दिशानिर्देशों के अनुसार कार्य करेगा।

3. अधिनियम की धारा 2(च) में यथा परिभाशित सभी कर्मचारी, जो भविष्य निधि के सदस्य बनने के पात्र रहें हैं, यदि प्रतिष्ठान को छूट प्रदान नहीं की होती, उन्हें सदस्यों के रूप में नामांकित किया जाएगा।

4. जहां कोई कर्मचारी जो पहले ही किसी अन्य छूट-प्राप्त प्रतिष्ठान के किसी कर्मचारी भविष्य निधि अथवा भविष्य निधि का सदस्य हो, उसे उसके प्रतिष्ठान में नियोजित किया जाता है, तो नियोक्ता उसे तत्काल निधि के सदस्य के रूप में नामांकित करेगा। नियोक्ता एसे कर्मचारी के भविष्य निधि खाते में उसके पहले नियोक्ता से संचय राशियां अंतरित और जमा करवाने की भी व्यवस्था करेगा।

5. नियोक्ता भविष्य निधि को उसके द्वारा और कर्मचारी के द्वारा समय-समय पर अधिनियम के अंतर्गत निर्धारित दर से देय अंशदान को, जिस माह के लिए अंशदान देय हों उसके बाद के माह की 15 तारीख तक न्यासी बोर्ड को अंतरित करेगा। नियोक्ता न्यासी बोर्ड को किन्हीं देयों के भुगतान में किसी विलम्ब के लिए अधिनियम की धारा 7थ के उपबंधों के अनुसार साधारण ब्याज अदा करने का दायी होगा।

6. नियोक्ता भविष्य निधि के प्रशासन के सभी व्यय वहन करेगा और चोरी, डकैती, गबन, दुर्विनियोग अथवा किसी अन्य कारण से भविष्य निधि को हो सकने वाले किसी घाटे की भी भरपाई करेगा।

7. न्यासी बोर्ड द्वारा घोषित ब्याज में किसी कमी को भी नियोक्ता द्वारा पूरा किया जाना होगा और उसे सांविधिक सीमा तक लाना होगा।

8. नियोक्ता जब कभी नियम संशोधित किए जाएं, समुचित प्राधिकारी द्वारा यथा-अनुमोदित, निधि के नियमों की एक प्रति अधिसंख्य कर्मचारियों की भाषा में उनके अनुवाद सहित प्रतिष्ठान के सूचना पट पर प्रदर्शित करेगा।

9. प्रतिष्ठान के भविष्य निधि नियमों के अंतर्गत निर्धारित देय अंशदान की दर, अग्रिम की शर्तें और मात्रा तथा अन्य मामले और सदस्य के मासिक चालू शेष पर संगणित और न्यासी बोर्ड द्वारा घोषित, प्रत्येक सदस्य के खाते में जमा किया गया ब्याज, अधिनियम और उसके अंतर्गत निर्मित योजना में निर्धारित विभिन्न उपबंधों के अंतर्गत केन्द्र सरकार द्वारा घोषित दर से कम नहीं होगा।

10. योजना में कोई संशोधन, जो प्रतिष्ठान के विद्यमान नियमों की तुलना में कर्मचारियों के लिए अधिक लाभदायक हो, उसे न्यास के नियमों में औपचारिक संशोधन के लंबित रहते उन पर स्वतः लागू किया जाएगा।

11. नियोक्ता द्वारा नियमों में कोई भी संशोधन क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जाएगा। क्षेत्रीय भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना रुख स्पष्ट करने का वजिब अवसर देगा।

12. निकासी, अग्रिम और अंतरण के सभी दावे कर्मचारी भविष्य निधि संगठन द्वारा निर्धारित अधिकतम समय सीमा के भीतर, शीघ्रता से निपटाए जाएंगे।

13. न्यासी बोर्ड प्रत्येक कर्मचारी के संबंध में जमा किए गए अंशदान, निकासी और ब्याज दर्शनों के लिए विस्तरित लेखों का रख-रखाव करेगा। ऐसे अभिलेखों का रख-रखाव अधिमानतः इलैक्ट्रोनिक रूप से रखा जाएगा। प्रतिष्ठान आवधिक रूप से जब कभी केन्द्रीय भविष्य निधि

आयुक्त/क्षेत्रीय भविष्य निधि आयुक्त द्वारा निदेश दिया जाए, सदस्यों के लेखों को इलैक्ट्रोनिक रूप से सम्प्रेषित करेंगे।

14. न्यासी बोर्ड वर्ष में एक बार वित्तीय/लेखा वर्ष के समाप्त होने के छः माह के भीतर प्रत्येक कर्मचारी को निःशुल्क लेखों का वार्षिक विवरण अथवा पासबुक जारी करेगा। जब कभी सदस्य चाहें, अतिरिक्त प्रिंटआउट नाममात्र के प्रभार के साथ उपलब्ध कराए जा सकते हैं। पासबुक के मामले में वह कर्मचारी के पास रहेंगी जिसे प्रस्तुत किए जाने पर न्यासियों द्वारा आवधिक रूप से अद्यतन किया जाएगा।

15. नियोक्ता सभी सदस्यों को उनकी आवश्यकतानुसार कम्प्यूटर टर्मिनलों से अपने खाते में पड़ी शेष राशि को देखने के समर्थ बनाने के लिए आवश्यक प्रावधान करेंगे।

16. न्यासी बोर्ड और नियोक्ता कर्मचारी भविष्य निधि संगठन द्वारा यथा-विहित रूप में ये विवरणियां विनिर्दिष्ट समय-सीमा के भीतर मासिक/वार्षिक रूप से दायर करेंगे, जिसे न करने पर इसे चूक माना जाएगा तथा न्यासी बोर्ड और नियोक्ता संयुक्त रूप से और अलग-अलग, कर्मचारी भविष्य निधि संगठन द्वारा की जाने वाली उपयुक्त दाण्डिक कार्रवाई के भागी होंगे।

17. न्यासी बोर्ड समय-समय पर सरकार के निर्देशों के अनुसार भविष्य निधि के पैसे का निवेश करेगा। सरकार के निर्देशों के अनुसार निवेश करने में असफल होने पर न्यासी बोर्ड अलग-अलग और संयुक्त रूप से केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधि द्वारा यथा-अधिरोपित अधिशुल्क का भागी बन जाएगा।

18. (क) प्रतिभूतियां न्यास के नाम से प्राप्त की जाएंगी। इस प्रकार प्राप्त की गई प्रतिभूतियां अभौतिक (डीमेट) रूप में होने चाहिए तथा न्यास के कार्यचालित रहने वाले क्षेत्रों में अपेक्षित सुविधा के उपलब्ध न होने की स्थिति में न्यासी बोर्ड संबंधित क्षेत्रीय भविष्य निधि आयुक्त को इसकी सूचना देंगे।

(ख) न्यासी बोर्ड लिपि-वार रजिस्टर बनाएगा तथा ब्याज की समय पर उगाही सुनिश्चित करेगा।

(ग) डीमेट खाता इस संबंध में केन्द्रीय सरकार द्वारा जारी अनुदेशों के अनुसार भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित निष्केपागार प्रतिभागियों के माध्यम से खोला जाए।

(घ) डीमेट खाते का खर्च न्यास द्वारा किए जाने वाले निवेश का प्रासंगिक व्यय माना जाए। प्रतिभूतियों आदि की खरीद की दलाली जैसे निवेशों के सभी प्रकार के खर्चों को भी न्यास द्वारा किए जाने वाले निवेश का प्रासंगिक व्यय माना जाएगा।

19. प्रतिभूतियों और बाण्डों की खरीद जैसे ऐसे सभी निवेश भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित निष्केपागार प्रतिभागियों की सुरक्षा अभिरक्षा में दर्ज किए जाएं, जो इसके संरक्षक होंगे। स्थापना की बंदी या परिसमाप्त या कर्मचारी भविष्य निधि, 1952 से छूट पर यह संरक्षक, न्यास के नाम पर प्राप्त तथा अपने जमा में पड़े निवेश को संबंधित क्षेत्रीय भविष्य निधि आयुक्त के, इस आशय के अनुरोध पर संबंधित क्षेत्रीय भविष्य निधि आयुक्त को सीधे अंतरित करेगा।

20. स्थापना संबंधित क्षेत्रीय भविष्य निधि आयुक्त को उन निक्षेपागार प्रतिभागियों (भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित) के विवरण से सूचित करेगी, जिनके पास तथा जिनकी सुरक्षा अभिरक्षा में न्यास के नाम पर किए गए निवेश अर्थात् प्रतिभूतियों, बाणीयों आदि में किए गए निवेश दर्ज किए गए हैं। तथापि, न्यासी बोर्ड उस धनराशि की उगाही कर सकता है, जो दावों के निपटान, नियमानुसार अग्रिमों की मंजूरी और नियोक्ता की सेवा छोड़ने की स्थिति में सदस्य के भविष्य निधि संचयन के अंतरण और प्रतिभूतियों की बिक्री द्वारा अन्य किसी प्राप्तियों अथवा क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के शर्ताधीन निधि के नाम में पड़े अन्य निवेशों जैसे बाध्यकारी व्ययों को पूरा करने के लिए अपेक्षित होंगे।

21. न्यास द्वारा किए गए निवेशों के लिए किसी वित्तीय या अन्य संस्थाओं द्वारा दिए जाने वाले किसी कमीशन, प्रोत्साहन, बोनस या अन्य अर्थिक लाभ इसके खाते में डाले जाएं।

22. नियोक्ता और न्यासी बोर्ड के सदस्य शर्तों का पालन करने की सहमति देते हुए लिखित वचन देंगे तथा यह वैधिक रूप से नियोक्ता और न्यासी बोर्ड के उत्तराधिकारियों और समनुदेशितों पर उनके साथ-साथ बाध्यकारी होगा।

23. नियोक्ता और न्यासी बोर्ड छूट के रद्द होने के स्थिति में संबंधित क्षेत्रीय भविष्य निधि आयुक्त द्वारा विहित समय-सीमा के भीतर तत्काल निधियों का अंतरण करने का वचन भी देगा। यह उन पर कानूनी रूप से बाध्यकारी होगा तथा उहें निधियों के अंतरण में कोई विलंब होने की स्थिति में अभियोजन का भागी बनाएगा।

24. (क) न्यासी बोर्ड द्वारा अनुरक्षित भविष्य निधि खाता किसी योग्य स्वतंत्र चार्टर्ड लेखाकार द्वारा वार्षिक रूप से लेखा-परीक्षा करने के शर्ताधीन होगा। जहां भी आवश्यक समझा जाए, वहां कर्मचारी भविष्य निधि संगठन को अधिकार होगा कि यह किसी अन्य योग्य लेखा-परीक्षक द्वारा खातों की लेखा-परीक्षा कराए तथा इस प्रकार हुए खर्च नियोक्ता द्वारा वहन किए जाएंगे।

(ख) लेखा-परीक्षकों द्वारा वित्तीय वर्ष अर्थात् 1 अप्रैल से 31 मार्च तक की समाप्ति के बाद छह महीने के भीतर लेखा-परीक्षीत तुलन-पत्र सहित लेखा-परीक्षक की रिपोर्ट की प्रति सीधे इस कार्यालय में प्रस्तुत की जाए। तुलन-पत्र का प्रारूप और इस रिपोर्ट में प्रस्तुत की जाने वाली जानकारी कर्मचारी भविष्य निधि संगठन द्वारा निर्धारित की जाएगी तथा संबंधित क्षेत्रीय भविष्य निधि आयुक्त के कार्यालय में इलैक्ट्रॉनिक प्रारूप के साथ हस्ताक्षरित प्रतिलिपि में उपलब्ध कराई जाएगी।

(ग) एक ही लेखा-परीक्षकों को लगातार दो वर्ष के लिए तथा अगले वित्तीय वर्ष के पहले दिन से मिली छूट से अधिक के लिए नियुक्त न किया जाए।

25. लगातार तीन वित्तीय वर्षों तक कोई हानि या पूँजी आधार में कटौती को अगले वित्तीय वर्ष के पहले दिन से मिली छूट प्राप्त होगी।

26. नियोक्ता प्रत्येक माह की समाप्ति से 15 दिन के भीतर निरीक्षण हेतु ऐसी सुविधाओं का प्रावधान करेगा तथा ऐसे निरीक्षण प्रभारों का भुगतान करेगा जो केन्द्रीय सरकार द्वारा अधिनियम की धारा 17 के

उप-खण्ड (3) के खण्ड (क) के अंतर्गत समय-समय पर दिए निर्देशों के अनुसार हों।

27. न्यासी बोर्ड या नियोक्ता द्वारा छूट देने के लिए शर्तों के किसी उल्लंघन की स्थिति में दी गई छूट संबंधित व्यक्ति को इस संबंध में कारण बताओ नोटिस जारी करने के बाद रद्द कर दी जाएगी।

28. किसी भी धोखे, गबन, गलत निवेश निधियों आदि के फलस्वरूप ट्रस्ट को हुए किसी भी नुकसान की स्थिति में नियोक्ता नुकसान पूरा करने का भागी होगा।

29. किसी विलय, अविलय, अभिग्रहण, बिक्री, एकीकरण, सहायक कंपनी का गठन चाहे पूर्णतः स्वामित्व वाली हो या नहीं इत्यादि के फलस्वरूप यदि प्रतिष्ठान की कानूनी स्थिति में कोई भी बदलाव होता है तो दी गई छूट निरस्त होगी एवं प्रतिष्ठान को तुरंत नई छूट देने के लिए मामले की रिपोर्ट करनी चाहिए।

30. एक ही भविष्य निधि ट्रस्ट में एक से अधिक इकाई/प्रतिष्ठानों के भाग लेने की स्थिति में भाग लेने वाली इकाईयों के किसी सी ट्रस्टी/नियोक्ता द्वारा कोई भी चूक होने पर सभी ट्रस्टी संयुक्त रूप से एवं अलग से जिम्मेदार/उत्तरदायी होंगे और आरपीएफसी आम भविष्य निधि ट्रस्ट के सभी न्यासियों के विरुद्ध उपयुक्त कानूनी कार्रवाई करेगा।

31. छूट प्राप्त न्यास निधि के अधिग्रहण के मामले में, अंतरीय ब्याज के कारण हानि के अनुमानित निवल वर्तमान मूल्य की वसूली प्रतिष्ठान से की जानी चाहिए।

32. केन्द्र सरकार प्रतिष्ठान की छूट की निरंतरता के लिए शर्तों को बढ़ा सकती है और जब भी इनको संप्रेषित किया जाएगा ये प्रतिष्ठान इन अतिरिक्त शर्तों का अनुपालन करने के लिए बाध्य होंगे।

New Delhi, the 26th March, 2015

S.O. 625.—Whereas M/s. Tata Marcopolo Motors Limited [under Code No. UP/43067 in Sub-Regional Office, Lucknow] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions annexed with this notification, the Central Government, hereby, exempts the

said establishment from the operation of all the provisions of the said Scheme with effect from the date of notification until further notification.

[No. S-35015/114/2014-SS-II]
SUBHASH KUMAR, Under Secy.

ANNEXURE

CONDITIONS FOR GRANT OF EXEMPTION FROM THE PROVISIONS OF EMPLOYEES PROVIDENT FUND SCHEME, 1952

1. The employer shall establish a Board of Trustees under his Chairmanship for the management of the Provident Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time-to-time. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Funds Organisation, *inter alia*, for proper accounts of the receipts into and payment from the Provident Fund and the balance in their custody. For this purpose, the "employer" shall mean:—

- (i) In relation to an establishment, which is a factory, the owner or occupier of the factory: and
- (ii) In relation to any other establishment, the person who, or the authority, that has the ultimate control over the affairs of the establishment.

2. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner (CPFC) or an officer authorized by him.

3. All employees' as defined in section 2(f) of the act, who have been eligible to become members of the Provident Fund' had the establishment not been granted exemption, shall be enrolled as members.

4. Where an employee who is already a member of Employees' Provident fund or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund. The employer should also arrange to have the accumulations in the Provident Fund account of such employee with his previous employer transferred and credited into his account.

5. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees at the rate prescribed under the act from time-to-time by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest in terms of the provisions of Section 7Q of the Act for any delay in payment of any dues towards the Board of Trustees.

6. The employer shall bear all the expenses of the administration of Provident Fund and also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

7. Any deficiency in the interest declared by the Board of Trustees is to be made good by the employer to bring it up to the statutory limit.

8. The employer shall display on the notice board of the establishment, a copy of the rules of the funds as approved by the appropriate authority and as and when amended thereto along with a translation in the language of the majority of the employees.

9. The rate of contributions payable, the conditions and quantum of advances and other matters laid down under the provident fund rules of the establishment and the interest credited to the account of each member, calculated on the monthly running balance of the member and declared by the Board of Trustees shall not be lower than those declared by the Central Government under the various provisions prescribed in the Act and Scheme framed thereunder.

10. Any amendment to the Scheme, which is more beneficial to the employees than the existing rules of the establishment, shall be made applicable to them automatically pending formal amendment of the Rules of the Trust.

11. No amendment in the rules shall be made by the employer without the prior approval of the Regional Provident Fund Commissioner. The Regional Provident Fund Commissioner shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

12. All claims for withdrawals, advances and transfers should be settled expeditiously, within the maximum time frame prescribed by the Employees' Provident Fund Organisation.

13. The Board of Trustees shall maintain detailed accounts to show the contributions credited withdrawal and interest in respect of each employee. The maintenance of such records should preferably be done electronically. The establishments should periodically transmit the details of members' accounts electronically as and when directed by the Central Provident Commissioner/Regional Provident Fund Commissioner.

14. The Board of Trustees shall issue an annual statement of accounts or pass books to every employee with six months of the close of financial/accounting year free of cost once in the year. Additional printouts can be made available as and when the members want, subject to nominal charges. In case of passbook, the same shall remain in custody of employee to be updated periodically by the Trustees when presented to them.

15. The employer shall make necessary provisions to enable all the members to be able to see their account balance from the computer terminals as and when required by them.

16. The Board of trustees and the employer shall file such returns monthly/annually as may be prescribed by the Employees' Provident Fund Organisation within the specified time limit, failing which it will be deemed as a default and the Board of Trustees and employer will jointly and separately be liable for suitable penal action by the Employees' Provident Fund Organisation.

17. The Board of Trustees shall invest the monies of the provident fund as per the directions of the Government from time to time. Failure to make investments as per directions of the Government shall make the Board of Trustees separately and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

18. (a) The securities shall be obtained in the name of Trust. The securities so obtained should be in dematerialized (DEMAT) form and in case the required facility is not available in the areas where the trust operates the Board of Trustees shall inform the Regional Provident Fund Commissioner concerned about the same.

(b) The Board of Trustees shall maintain a script wise register and ensure timely realization of interest.

(c) The DEMAT Account should be opened through depository participants approved by Reserve Bank of India and Central Government in accordance with the instructions issued by the Central Government in this regard.

(d) The cost of maintaining DEMAT account should be treated as incidental cost of investment by the Trust. Also all types of cost of investments like brokerage for purchase of securities etc. shall be treated as incidental cost of investment by the Trust.

19. All such investments made like purchase of securities and bonds, should be lodged in the safe custody of depository participants approved by Reserve Bank of India and Central Government, who shall be the custodian of the same. On closure of establishment or liquidation or cancellation of exemption from EPF Scheme, 1952 such custodian shall transfer the investment obtained in the name of the Trust and standing in its credit to the Regional PF Commissioner concerned directly on receipt of request from the Regional PF Commissioner concerned to that effect.

20. The establishment shall intimate to the Regional P.F. Commissioner concerned the details of depository participants (approved by RBI and Central Government), with whom and in whose safe custody, the investments made in the name of trust, *viz.*, investments made in securities, bonds, etc. have been lodged. However, the Board of Trustees may raise such sum of sums of money

as may be required for meeting obligatory expenses such as settlement of claims, grant of advances as per rules and transfer of member's PF accumulation in the event of his/her leaving service of the employer and any other receipts by sale of the securities or other investments standing in the name of the Fund subject to the prior approval of the Regional PF Commissioner.

21. Any commission, incentive, bonus or other pecuniary rewards given by any financial or other institutions for the investments made by the Trust should be credited to its account.

22. The employer and the members of the Board of Trustees, shall furnish a written undertaking agreeing to abide by the conditions and this shall be legally binding on the employer and the Board of Trustees, including their successors and assignees.

23. The employer and the Board of Trustees shall also give an undertaking to transfer the funds promptly within the time limit prescribed by the concerned RPFC in the event of cancellation of relaxation. This shall be legally binding on them and will make them liable for prosecution in the event of any delay in the transfer of funds.

24. (a) The account of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent chartered accountant annually. Where considered necessary the EPFO shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

(b) A copy of the Auditor's report alongwith the audited balance sheet should be submitted to this office by the Auditors directly within six months after the closing of the financial year from 1st April to 31st March. The format of the balance sheet and the information to be furnished in the report shall be prescribed by the Employees' Provident fund Organisation and made available with the RPFC office in electronic format as well as a signed hard copy.

(c) The same auditors should not be appointed for two consecutive years and not more than the relaxation withdrawn from the first day of the next succeeding financial year.

25. Any loss for the three consecutive financial years or erosion in the capital base shall have the relaxation withdrawn from the first day of the next succeeding financial year.

26. The employer shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time-to-time direct under clause (a) of sub-section (3) of Section 17 of the Act within 15 days from the close of every month.

27. In the event of any violation of the conditions for grant of relaxation, by the employer or the Board of

Trustees, the relaxation granted shall be cancelled after issuing a show cause notice in this regard to the concerned persons.

28. In the event of any loss to the trust as a result of any fraud, defalcation, wrong investment decisions etc. the employer shall be liable to make good the loss.

29. In case of any change of legal status of the establishment as a result of merger, de-merger, acquisition, sale, amalgamation, formation of a subsidiary, whether wholly owned or not etc., the relaxation granted shall stand revoked and the establishment should promptly report the matter for grant of fresh relaxation.

30. In case there are more than one unit/establishment participating in the common Provident Fund Trust, all the trustees shall be jointly and separately liable/responsible for any default committed by any of the trustees/employer of any of the participating units and the RPFC shall take suitable legal action against all the trustees of the common Provident Fund Trust.

31. In case of takeover of the exempted Trust Fund, estimated net present value of the loss due to differential interest should be recovered from the establishment.

32. The Central Government may lay down further conditions for continuation of exemption of the establishment and the establishment shall be bound to comply with these additional conditions as and when the same are communicated.

नई दिल्ली, 26 मार्च, 2015

का.आ. 626.—जबकि मैसर्स जैंके० टैक्नोसॉफ्ट लिमिटेड, [कोड संख्या डीएल/20420 के अंतर्गत दिल्ली (सॉउथ) क्षेत्रीय में] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन किया है।

2. और जबकि केन्द्रीय सरकार के विचार में, अंशदान की दरों के संबंध में उक्त प्रतिष्ठान के भविष्य निधि नियम उक्त अधिनियम की धारा 6 में विनिर्दिष्ट नियमों की तुलना में कर्मचारियों के लिए कम उपयुक्त नहीं हैं और कर्मचारी उक्त अधिनियम अथवा कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त योजना के रूप में संदर्भित) के अंतर्गत सदृश स्वरूप के किसी अन्य प्रतिष्ठान में कर्मचारियों के संबंध में दी जाने वाली अन्य भविष्य निधि प्रसुविधाओं का भी लाभ उठा रहे हैं।

3. अतः; अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस अधिसूचना के साथ संलग्न शर्तों के अध्यधीन, उक्त प्रतिष्ठान को 22.09.1997 से अगली अधिसूचना तक उक्त योजना के सभी उपबंधों के प्रभाव से छूट प्रदान करती है।

[सं. एस-35015/69/2014-एसएस-II]
सुभाष कुमार, अवर सचिव

अनुबंध

कर्मचारी भविष्य निधि योजना, 1952 के उपबंधों से छूट प्रदान करने संबंधी शर्तें।

1. नियोक्ता समय-समय पर केन्द्रीय सरकार अथवा केन्द्रीय भविष्य निधि आयुक्त, जैसी भी स्थिति हो, द्वारा दिए जाने वाले ऐसे निदेशों के अनुसार भविष्य निधि के प्रबंधन हेतु अपनी अध्यक्षता में एक न्यासी बोर्ड गठित करेगा। भविष्य निधि न्यासी बोर्ड में विहित होगी जो अन्य बातों के साथ-साथ कर्मचारी भविष्य निधि संगठन के प्रति भविष्य निधि में प्राप्तियों और उसमें से भुगतान के उचित लेखों और उनकी अधिरक्षा में शेष राशि के लिए उत्तरदायी होगा। इस प्रयोजनार्थ, “नियोक्ता” से:-

- (i) किसी प्रतिष्ठान, जो एक कारखाना हो, उसके संबंध में, कारखाने का स्वामी अथवा अधिष्ठाता अभिप्रेत होगा; और
- (ii) किसी अन्य प्रतिष्ठान के संबंध में, वह व्यक्ति, अथवा प्राधिकारी अभिप्रेत होगा, जिसका उस प्रतिष्ठान के कामकाज पर अंतिम नियंत्रण हो।

2. न्यासी बोर्ड हरेक तिमाही में कम से कम एक बार बैठक करेगा और वह केन्द्र सरकार/केन्द्रीय भविष्य निधि आयुक्त (सीपीएफसी) अथवा उसके द्वारा प्राधिकृत किसी अधिकारी द्वारा समय-समय पर जारी किए जाने वाले दिशानिर्देशों के अनुसार कार्य करेगा।

3. अधिनियम की धारा 2(च) में यथा परिभाषित सभी कर्मचारी, जो भविष्य निधि के सदस्य बनने के पात्र रहे हैं, यदि प्रतिष्ठान को छूट प्रदान नहीं की होती, उन्हें सदस्यों के रूप में नामांकित किया जाएगा।

4. जहां कोई कर्मचारी जो पहले ही किसी अन्य छूट-प्राप्त प्रतिष्ठान के किसी कर्मचारी भविष्य निधि अथवा भविष्य निधि के सदस्य हो, उसे उसके प्रतिष्ठान में नियोजित किया जाता है, तो नियोक्ता उसे तत्काल निधि के सदस्य के रूप में नामांकित करेगा। नियोक्ता ऐसे कर्मचारी के भविष्य निधि खाते में उसके पहले नियोक्ता से संचय राशियां अंतरित और जमा करवाने की भी व्यवस्था करेगा।

5. नियोक्ता भविष्य निधि को उसके द्वारा और कर्मचारी के द्वारा समय-समय पर अधिनियम के अंतर्गत निर्धारित दर से देय अंशदान को, जिस माह के लिए अंशदान देय हों उसके बाद के माह की 15 तारीख तक न्यासी बोर्ड को अंतरित करेगा। नियोक्ता न्यासी बोर्ड को किन्हीं देयों के भुगतान में किसी विलम्ब के लिए अधिनियम की धारा 7थ के उपबंधों के अनुसार साधारण व्याज अदा करने का दायी होगा।

6. नियोक्ता भविष्य निधि के प्रशासन के सभी व्यय वहन करेगा और चोरी, डकैती, गबन, दुर्विनियोग अथवा किसी अन्य कारण से भविष्य निधि को हो सकने वाले किसी घाटे की भी भरपाई करेगा।

7. न्यासी बोर्ड द्वारा घोषित व्याज में किसी कमी को भी नियोक्ता द्वारा पूरा किया जाना होगा और उसे सांविधिक सीमा तक लाना होगा।

8. नियोक्ता जब कभी नियम संशोधित किए जाए, समुचित प्राधिकारी द्वारा यथा अनुमोदित, निधि के नियमों की एक प्रति अधिसंख्यक कर्मचारियों की भाषा में उनके अनुवाद सहित प्रतिष्ठान के सूचना पट पर प्रदर्शित करेगा।

9. प्रतिष्ठान के भविष्य निधि नियमों के अंतर्गत निर्धारित देय अंशदान की दर, अग्रिम की शर्तें और मात्रा तथा अन्य मामले और सदस्य के मासिक चालू शेष पर संगणित और न्यासी बोर्ड द्वारा घोषित, प्रत्येक सदस्य के खाते में जमा किया गया व्याज, अधिनियम और उसके अंतर्गत निर्मित योजना में निर्धारित विभिन्न उपबंधों के अंतर्गत केन्द्र सरकार द्वारा घोषित दर से कम नहीं होगा।

10. योजना में कोई संशोधन, जो प्रतिष्ठान के विद्यमान नियमों की तुलना में कर्मचारियों के लिए अधिक लाभदायक हो, उसे न्यास के नियमों में औपचारिक संशोधन के लंबित रहते उन पर स्वतः लागू किया जाएगा।

11. नियोक्ता द्वारा नियमों में कोई भी संशोधन क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जाएगा। क्षेत्रीय भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना रुख स्पष्ट करने का वाजिब अवसर देगा।

12. निकासी, अग्रिम और अंतरण के सभी दावे कर्मचारी भविष्य निधि संगठन द्वारा निर्धारित अधिकतम समय सीमा के भीतर, शीघ्रता से निपटाए जाएं।

13. न्यासी बोर्ड प्रत्येक कर्मचारी के संबंध में जमा किए गए अंशदान, निकासी और व्याज दर्शनी के लिए विस्तरित लेखों का रख-रखाव करेगा। ऐसे अभिलेखों का रख-रखाव अधिमानतः इलैक्ट्रोनिक रूप से रखा जाएगा। प्रतिष्ठान आवधिक रूप से जब कभी केन्द्रीय भविष्य निधि आयुक्त/क्षेत्रीय भविष्य निधि आयुक्त द्वारा निदेश दिया जाए, सदस्यों के लेखों को इलैक्ट्रॉनिक रूप से सम्प्रेषित करेंगे।

14. न्यासी बोर्ड वर्ष में एक बार वित्तीय/लेखा वर्ष के समाप्त होने के छः माह के भीतर प्रत्येक कर्मचारी को निःशुल्क लेखों का वार्षिक विवरण अथवा पासबुक जारी करेगा। जब कभी सदस्य चाहें, अतिरिक्त प्रिंटआउट नाममात्र के प्रभार के साथ उपलब्ध कराए जा सकते हैं। पासबुक के मामले में वह कर्मचारी के पास रहेगी जिसे प्रस्तुत किए जाने पर न्यासियों द्वारा आवधिक रूप से अद्यतन किया जाएगा।

15. नियोक्ता सभी सदस्यों को उनकी आवश्यकतानुसार कम्प्यूटर टर्मिनलों से अपने खाते में पड़ी शेष राशि को देखने के समर्थ बनाने के लिए आवश्यक प्रावधान करेंगे।

16. न्यासी बोर्ड और नियोक्ता कर्मचारी भविष्य निधि संगठन द्वारा यथा विहित रूप में ये विवरणियां विनिर्दिष्ट समय सीमा के भीतर मासिक/वार्षिक रूप से दायर करेंगे, जिसे न करने पर इसे चूक माना जाएगा तथा न्यासी बोर्ड और नियोक्ता संयुक्त रूप से और अलग-अलग, कर्मचारी भविष्य निधि संगठन द्वारा की जाने वाली उपयुक्त दाण्डक कार्रवाई के भागी होंगे।

17. न्यासी बोर्ड समय-समय पर सरकार के निर्देशों के अनुसार भविष्य निधि के पैसे का निवेश करेगा। सरकार के निर्देशों के अनुसार निवेश करने में असफल होने पर न्यासी बोर्ड अलग-अलग और संयुक्त रूप से केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधि द्वारा यथा अधिरोपित अधिशुल्क का भागी बन जाएगा।

18. (क) प्रतिभूतियां न्यास के नाम से प्राप्त की जाएंगी। इस प्रकार प्राप्त की गई प्रतिभूतियों अभौतिक (डीमेट) रूप में होनी चाहिए तथा न्यास के कार्यचालित रहने वाले क्षेत्रों में अपेक्षित सुविधा के उपलब्ध न होने की स्थिति में न्यासी बोर्ड संबंधित क्षेत्रीय भविष्य निधि आयुक्त को इसकी सूचना देंगे।

(ख) न्यासी बोर्ड लिपि-वार रजिस्टर बनाएगा तथा व्याज की समय पर उगाही सुनिश्चित करेगा।

(ग) डीमेट खाता इस संबंध में केन्द्रीय सरकार द्वारा जारी अनुदेशों के अनुसार भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित निक्षेपागार प्रतिभागियों के माध्यम से खोला जाए।

(घ) डीमेट खाते का खर्च न्यास द्वारा किए जाने वाले निवेश का प्रासंगिक व्यय माना जाए। प्रतिभूतियों आदि की खरीद की दलाली जैसे निवेशों के सभी प्रकार के खर्चों को भी न्यास द्वारा किए जाने वाले निवेश का प्रासंगिक व्यय माना जाएगा।

19. प्रतिभूतियों और बाण्डों की खरीद जैसे ऐसे सभी निवेश भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित निक्षेपागार प्रतिभागियों की सुरक्षा अभिरक्षा में दर्ज किए जाएं, जो इसके संरक्षक होंगे। स्थापना की बंदी या परिसमाप्त या कर्मचारी भविष्य निधि, 1952 से छूट पर यह संरक्षक, न्यास के नाम पर प्राप्त तथा अपने जमा में पड़े निवेश को संबंधित क्षेत्रीय भविष्य निधि आयुक्त के, इस आशय के, अनुरोध पर संबंधित क्षेत्रीय भविष्य निधि आयुक्त को सीधे अंतरित करेगा।

20. स्थापना संबंधित क्षेत्रीय भविष्य निधि आयुक्त को उन निक्षेपागार प्रतिभागियों (भारतीय रिजर्व बैंक और केन्द्रीय सरकार द्वारा अनुमोदित) के विवरण से सूचित करेगी, जिनके पास तथा जिनकी सुरक्षा अभिरक्षा में न्यास के नाम पर किए गए निवेश अर्थात प्रतिभूतियों, बाण्डों आदि में किए गए निवेश दर्ज किए गए हैं। तथापि, न्यासी बोर्ड उस धनराशि की उगाही कर सकता है, जो दावों के निपटान, नियमानुसार अग्रिमों की मंजूरी और नियोक्ता की सेवा छोड़ने की स्थिति में सदस्य के भविष्य निधि संचयन के अंतरण और प्रतिभूतियों की बिक्री द्वारा अन्य किसी प्राप्तियों अथवा क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के शर्ताधीन निधि के नाम में पड़े अन्य निवेशों जैसे बाध्यकारी व्ययों को पूरा करने के लिए अपेक्षित होंगे।

21. न्यास द्वारा किए गए निवेशों के लिए किसी वित्तीय या अन्य संस्थाओं द्वारा दिए जाने वाले किसी कमीशन, प्रोत्साहन, बोनस या अन्य आर्थिक लाभ इसके खाते में डाले जाएं।

22. नियोक्ता और न्यासी बोर्ड के सदस्य शर्तों का पालन करने की सहमति देते हुए लिखित वचन देंगे तथा यह वैधिक रूप से नियोक्ता और न्यासी बोर्ड के उत्तराधिकारियों और समनुदेशियों पर उनके साथ-साथ बाध्यकारी होगा।

23. नियोक्ता और न्यासी बोर्ड छूट के रद्द होने की स्थिति में संबंधित क्षेत्रीय भविष्य निधि आयुक्त द्वारा विहित समय सीमा के भीतर तत्काल निधियों का अंतरण करने का वचन भी देगा। यह उन पर कानूनी रूप से बाध्यकारी होगा तथा उन्हें निधियों के अंतरण में कोई विलंब होने की स्थिति में अभियोजन का भागी बनाएगा।

24. (क) न्यासी बोर्ड द्वारा अनुरक्षित भविष्य निधि खाता किसी योग्य स्वतंत्र चार्टर्ड लेखाकार द्वारा वार्षिक रूप से लेखा-परीक्षा करने के शर्ताधीन होगा। जहां भी आवश्यक समझा जाए, वहां कर्मचारी भविष्य निधि संगठन को अधिकार होगा कि यह किसी अन्य योग्य लेखा-परीक्षक द्वारा खातों की लेखा-परीक्षा कराए तथा इस प्रकार हुए खर्च नियोक्ता द्वारा वहन किए जाएंगे।

(ख) लेखा-परीक्षकों द्वारा वित्तीय वर्ष अर्थात् 1 अप्रैल से 31 मार्च तक की समाप्ति के बाद छह महीने के भीतर लेखा-परीक्षित तुलन-पत्र सहित लेखा-परीक्षक की रिपोर्ट की प्रति सीधे इस कार्यालय में प्रस्तुत की जाए। तुलन-पत्र का प्रारूप और इस रिपोर्ट में प्रस्तुत की जाने वाली जानकारी कर्मचारी भविष्य निधि संगठन द्वारा निर्धारित की जाएगी तथा संबंधित क्षेत्रीय भविष्य निधि आयुक्त के कार्यालय में इलैक्ट्रॉनिक प्रारूप के साथ हस्ताक्षरित प्रतिलिपि में उपलब्ध कराई जाएगी।

(ग) एक ही लेखा परीक्षकों को लगातार दो वर्ष के लिए तथा अगले वित्तीय वर्ष के पहले दिन से मिली छूट अधिक के लिए नियुक्त न किया जाए।

25. लगातार तीन वित्तीय वर्षों तक कोई हानि या पूँजी आधार में कटौती को अगले वित्तीय वर्ष के पहले दिन से मिली छूट प्राप्त होगी।

26. नियोक्ता प्रत्येक माह की समाप्ति से 15 दिन के भीतर निरीक्षण हेतु ऐसी सुविधाओं का प्रावधान करेगा तथा ऐसे निरीक्षण प्रभारों का भुगतान करेगा जो केन्द्रीय सरकार द्वारा अधिनियम की धारा 17 के उप-खण्ड (3) के खण्ड (क) के अंतर्गत समय-समय पर दिए निर्देशों के अनुसार हों।

27. न्यासी बोर्ड या नियोक्ता द्वारा छूट देने के लिए शर्तों के इस संबंध में दी गई छूट संबंधित व्यक्ति को इस संबंध में कारण बताओं नोटिस जारी करने के बाद रद्द कर दी जाएगी।

28. किसी भी धोखे, गबन, गलत निवेश निर्णयों आदि के फलस्वरूप ट्रस्ट को हुए किसी भी नुकसान की स्थिति में नियोक्ता नुकसान पूरा करने का भागी होगा।

29. किसी विलय, अविलय, अभिग्रहण, बिक्री, एकीकरण, सहायक कंपनी का गठन चाहे पूर्णतः स्वामित्व वाली हो या नहीं इत्यादि के फलस्वरूप यदि प्रतिष्ठान की कानूनी स्थिति में कोई भी बदलाव होता है तो दी गई छूट निरस्त होगी एवं प्रतिष्ठान को तुरंत नई छूट देने के लिए मामले की रिपोर्ट करनी चाहिए।

30. एक ही भविष्य निधि ट्रस्ट में एक से अधिक इकाई/प्रतिष्ठानों के भाग लेने की स्थिति में भाग लेने वाली इकाईयों के किसी भी ट्रस्टी/नियोक्ता द्वारा कोई भी चूक होने पर सभी ट्रस्टी संयुक्त रूप से एवं अलग से जिम्मेदार/उत्तरदायी होंगे और आरपीएफसी आम भविष्य निधि ट्रस्ट के सभी न्यासियों के विरुद्ध उपयुक्त कानूनी कार्रवाई करेगा।

31. छूट प्राप्त न्यास निधि के अधिग्रहण के मामले में, अंतरीय ब्याज के कारण हानि के अनुमानित निवल वर्तमान मूल्य की वसूली प्रतिष्ठान से की जानी चाहिए।

32. केन्द्र सरकार प्रतिष्ठान की छूट की निरंतरता के लिए शर्तों को बढ़ा सकती है और जब भी इनको संप्रेषित किया जाएगा ये प्रतिष्ठान इन अतिरिक्त शर्तों का अनुपालन करने के लिए बाध्य होंगे।

New Delhi, the 26th March, 2015

S.O. 626.—Whereas M/s. J.K. Technosoft Limited [under Code No. DL/20420 in Delhi (South) region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions annexed with this notification, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 22-09-1997 until further notification.

[No. S-35015/69/2014-SS-II]
SUBHASH KUMAR, Under Secy.

ANNEXURE

CONDITIONS FOR GRANT OF EXEMPTION FROM THE PROVISIONS OF EMPLOYEES PROVIDENT FUND SCHEME, 1952

1. The employer shall establish a Board of Trustees under his Chairmanship for the management of the Provident Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Funds Organisation, *inter alia*, for proper accounts of the receipts into and payment from the Provident Fund and the balance in their custody. For this purpose, the "employer" shall mean:—

- (i) In relation to an establishment, which is a factory, the owner or occupier of the factory: and
- (ii) In relation to any other establishment, the person who, or the authority, that has the ultimate control over the affairs of the establishment.

2. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the

Central Government/Central Provident Fund Commissioner (CPFC) or an officer authorized by him.

3. All employees' as defined in section 2(f) of the act, who have been eligible to become members of the Provident Fund' had the establishment not been granted exemption, shall be enrolled as members.

4. Where an employee who is already a member of Employees' Provident Fund or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund. The employer should also arrange to have the accumulations in the Provident Fund account of such employee with his previous employer transferred and credited into his account.

5. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees at the rate prescribed under the act from time to time by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest in terms of the provisions of Section 7Q of the Act for any delay in payment of any dues towards the Board of Trustees.

6. The employer shall bear all the expenses of the administration of Provident Fund and also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

7. Any deficiency in the interest declared by the Board of Trustees is to be made good by the employer to bring it up to the statutory limit.

8. The employer shall display on the notice board of the establishment, a copy of the rules of the funds as approved by the appropriate authority and as and when amended thereto along with a translation in the language of the majority of the employees.

9. The rate of contributions payable, the conditions and quantum of advances and other matters laid down under the provident fund rules of the establishment and the interest credited to the account of each member, calculated on the monthly running balance of the member and declared by the Board of Trustees shall not be lower than those declared by the Central Government under the various provisions prescribed in the Act and Scheme framed thereunder.

10. Any amendment to the Scheme, which is more beneficial to the employees than the existing rules of the establishment, shall be made applicable to them automatically pending formal amendment of the Rules of the Trust.

11. No amendment in the rules shall be made by the employer without the prior approval of the Regional Provident Fund Commissioner. The Regional Provident

Fund Commissioner shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

12. All claims for withdrawals, advances and transfers should be settled expeditiously, within the maximum time frame prescribed by the Employees' Provident Fund Organisation.

13. The Board of Trustees shall maintain detailed accounts to show the contributions credited withdrawal and interest in respect of each employee. The maintenance of such records shall preferably be done electronically. The establishments should periodically transmit the details of members' accounts electronically as and when directed by the Central Provident Commissioner/Regional Provident Fund Commissioner.

14. The Board of Trustees shall issue an annual statement of accounts or pass books to every employee within six months of the close of financial/accounting year free of cost once in the year. Additional printouts can be made available as and when the members want, subject to nominal charges. In case of passbook, the same shall remain in custody of employee to be updated periodically by the Trustees when presented to them.

15. The employer shall make necessary provisions to enable all the members to be able to see their account balance from the computer terminals as and when required by them.

16. The Board of Trustees and the employer shall file such returns monthly/annually as may be prescribed by the Employees' Provident Fund Organisation within the specified time limit, failing which it will be deemed as a default and the Board of Trustees and employer will jointly and separately be liable for suitable penal action by the Employees' Provident Fund Organisation.

17. The Board of Trustees shall invest the monies of the provident fund as per the directions of the Government from time to time. Failure to make investments as per directions of the Government shall make the Board of Trustees separately and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

18. (a) The securities shall be obtained in the name of Trust. The securities so obtained should be in dematerialized (DEMAT) form and in case the required facility is not available in the areas where the trust operates the Board of Trustees shall inform the Regional Provident Fund Commissioner concerned about the same.

(b) The Board of Trustees shall maintain a script wise register and ensure timely realization of interest.

(c) The DEMAT Account should be opened through depository participants approved by Reserve Bank of India and Central Government in accordance with the

instructions issued by the Central Government in this regard.

(d) The cost of maintaining DEMAT account should be treated as incidental cost of investment by the Trust. Also all types of cost of investments like brokerage for purchase of securities etc. shall be treated as incidental cost of investment by the Trust.

19. All such investments made like purchase of securities and bonds, should be lodged in the safe custody of depository participants approved by Reserve Bank of India and Central Government, who shall be the custodian of the same. On closure of establishment or liquidation or cancellation of exemption from EPF Scheme, 1952 such custodian shall transfer the investment obtained in the name of the Trust and standing in its credit to the Regional PF Commissioner concerned directly on receipt of request from the Regional PF Commissioner concerned to that effect.

20. The establishment shall intimate to the Regional P.F. Commissioner concerned the details of depository participants (approved by RBI and Central Government), with whom and in whose safe custody, the investments made in the name of trust, viz., investments made in securities, bonds, etc. have been lodged. However, the Board of Trustees may raise such sum of sums of money as may be required for meeting obligatory expenses such as settlement of claims, grant of advances as per rules and transfer of member's PF accumulation in the event of his/her leaving service of the employer and any other receipts by sale of the securities or other investments standing in the name of the Fund subject to the prior approval of the Regional PF Commissioner.

21. Any commission, incentive, bonus or other pecuniary rewards given by any financial or other institutions for the investments made by the Trust should be credited to its accounts.

22. The employer and the members of the Board of Trustees, shall furnish a written undertaking agreeing to abide by the conditions and this shall be legally binding on the employer and the Board of Trustees, including their successors and assignees.

23. The employer and the Board of Trustees shall also give an undertaking to transfer the funds promptly within the time limit prescribed by the concerned RPFC in the event of cancellation of relaxation. This shall be legally binding on them and will make them liable for prosecution in the event of any delay in the transfer of funds.

24. (a) The account of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent chartered accountant annually. Where considered necessary the EPFO shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

(b) A copy of the Auditor's report alongwith the audited balance sheet should be submitted to this office by the Auditors directly within six months after the closing of the financial year from 1st April to 31st March. The format of the balance sheet and the information to be furnished in the report shall be prescribed by the Employees' Provident Fund Organisation and made available with the RPFC office in electronic format as well as a signed hard copy.

(c) The same auditors should not be appointed for two consecutive years and not more than the relaxation withdrawn from the first day of the next succeeding financial year.

25. Any loss for the three consecutive financial years or erosion in the capital base shall be the relaxation withdrawn from the first day of the next succeeding financial year.

26. The employer shall provide for such facilities for inspection pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of Section 17 of the Act within 15 days from the close of every month.

27. In the event of any violation of the conditions for grant of relaxation, by the employer or the Board of Trustees, the relaxation granted shall be cancelled after issuing a show cause notice in this regard to the concerned persons.

28. In the event of any loss to the trust as a result of any fund, defalcation, wrong investment decisions etc. the employer shall be liable to made good the loss.

29. In case of any change of legal status of the establishment as a result of merger, de-merger, acquisition, sale, amalgamation, formation of a subsidiary, whether wholly owned or not etc., the relaxation granted shall stand revoked and the establishment should promptly report the matter for grant of fresh relaxation.

30. In case there are more than one unit/establishment participating in the common Provident Fund Trust, all the trustees shall be jointly and separately liable/responsible for any default committed by any of the trustees/employer of any of the participating units and the RPFC shall take suitable legal action against all the trustees of the common Provident Fund Trust.

31. In case of takeover of the exempted Trust Fund, estimated net present value of the loss due to differential interest should be recovered from the establishment.

32. The Central Government may lay down further conditions for continuation of exemption of the establishment and the establishment shall be bound to comply with these additional conditions as and when the same are communicated.

नई दिल्ली, 26 मार्च, 2015

का.आ. 627.—केन्द्रीय सरकारी कर्मचारी भविष्य निधि और प्रक्रीण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 2 के खंड (टख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सं. का०आ० 796, तारीख 4 मार्च, 1997 और का०आ० 666, तारीख 9 मार्च, 2001 को, उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया है नीचे उल्लिखित अनुसूची के स्तम्भ (2) में उल्लिखित अधिकारियों को उक्त अधिनियम के उपबंधों के अधीन आने वाले कारखानों/स्थापनों के संबंध में उक्त अनुसूची के स्तम्भ (3) में उल्लिखित क्षेत्रों के लिए उक्त अधिनियम के अधीन वसूली अधिकारियों का शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है,

क्रम सं.	अधिकारी का पदनाम	ऐसे क्षेत्र के संबंध में जिसके क्षेत्राधिकार में उपयोग किया जाना है
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(1)	(2)	(3)
1.	आंध्र प्रदेश क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	आंध्र प्रदेश राज्य और पुडुचेरी संघ राज्य क्षेत्र में यन्म क्षेत्र
2.	बिहार क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	बिहार राज्य
3.	दिल्ली क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	राज्यीय राजधानी राज्यक्षेत्र दिल्ली
4.	कर्मचारी भविष्य-निधि संगठन के दिल्ली क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/सहायक भविष्य-निधि आयुक्त	गुजरात राज्य तथा दादरा और नागर हवेली, दमण और दीव संघ राज्य क्षेत्र
5.	हरियाणा क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	हरियाणा राज्य
6.	कर्मचारी भविष्य-निधि संगठन के कर्नाटक क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/सहायक भविष्य-निधि आयुक्त	कर्नाटक राज्य
7.	केरल क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि सहायक आयुक्त/भविष्य-निधि आयुक्त	केरल राज्य तथा लक्ष्मीपुर संघ राज्य क्षेत्र में माहे क्षेत्र
8.	मध्य प्रदेश क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	मध्य प्रदेश राज्य
9.	महाराष्ट्र क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	महाराष्ट्र राज्य
10.	कर्मचारी भविष्य-निधि संगठन के गोवा क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि सहायक आयुक्त	गोवा राज्य

(1)	(2)	(3)
11.	पूर्वोत्तर क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	असम, नागालैंड, मणिपुर, मेघालय, असमाचल प्रदेश, मिजोरम और त्रिपुरा राज्य
12.	ओडिशा क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	ओडिशा राज्य
13.	पंजाब क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	पंजाब राज्य और चंडीगढ़
14.	हिमाचल क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/सहायक भविष्य-निधि आयुक्त	हिमाचल प्रदेश राज्य
15.	राजस्थान क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	राजस्थान राज्य
16.	तमिलनाडु क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	तमिलनाडु राज्य और पुडुचेरी संघ राज्यक्षेत्र में यन्म और माहे को छोड़कर
17.	उत्तर प्रदेश क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त	उत्तर प्रदेश राज्य
18.	पश्चिमी बंगाल क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	पश्चिमी बंगाल राज्य तथा अंदमान और निकोबार द्वीप समूह संघ राज्य क्षेत्र तथा सिलिगुडी राज्य
19.	उत्तराखण्ड क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	उत्तराखण्ड राज्य
20.	झारखण्ड क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	झारखण्ड राज्य
21.	छत्तीसगढ़ क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	छत्तीसगढ़ राज्य
22.	तेलंगाना क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	तेलंगाना राज्य*
23.	मुख्य कार्यालय के कर्मचारी भविष्य-निधि संगठन के प्रादेशिक भविष्य-निधि सहायक आयुक्त/भविष्य-निधि सहायक आयुक्त	जम्मू-कश्मीर राज्य के सिवाय संपूर्ण भारत

*02.06.2014 से प्रभावी

[सं. एस-35012/03/2008-एसएस-II]

सुभाष कुमार, अवर सचिव

New Delhi, the 26th March, 2015

S.O. 627.—In exercise of the powers conferred by clause (kb) of section 2 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment number S.O. 796 dated the 4th March, 1997 and S.O. 666 dated 9th March, 2001 except as respects things done or omitted to be done before such supersession, the Central Government hereby authorizes the officers mentioned in column (2) of the Schedule mentioned below the exercise the powers of Recovery Officers under the said Act for the areas mentioned in column 3 of the said schedule in relation to factories/establishments covered under the provisions of the said Act.

S.No.	Designation of the Officer	Area in relation to which Jurisdiction to be exercised
1	2	3
1.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Andhra Pradesh Region of the Employees' Provident Fund Organization	The States of Andhra Pradesh and the area of Yanam area of the Union Territory of Puducherry.
2-	Regional Provident Fund Commissioners/Assistant Provident fund Commissioners working in Bihar Region of the Employees' Provident Fund Organization.	The State of Bihar.
3.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Delhi Region of the Employees' Provident Fund Organization.	The National Capital Territory of Delhi.
4.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Gujarat Region of the Employees' Provident Fund Organization.	The State of Gujarat and Union Territory of Dadra and Nagar Haveli, Daman and Diu.
5.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Haryana Region of the Employees' Provident Fund Organization.	The State of Haryana.
6.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Karnataka Region of the Employees' Provident Fund Organization.	The State of Karnataka.
7.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Kerala Region of the Employees' Provident Fund Organization.	The State of Kerala, and Union Territory of Lakshadweep and area of Mahe in the territories of Puducherry.
8.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Madhya Pradesh Region of the Employees' Provident Fund Organization.	The State of Madhya Pradesh.
9.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Maharashtra Region of the Employees' Provident Fund Organization.	The State of Maharashtra.
10.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Goa Region of the Employees' Provident Fund Organization.	The State of Goa.
11.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in North Eastern Region of the Employees' Provident Fund Organization.	The State of Assam, Nagaland, Manipur, Meghalaya, Arunachal Pradesh, Mizoram and Tripura.
12.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Odisha Region of the Employees' Provident Fund Organization.	The State of Odisha.
13.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Punjab Region of the Employees' Provident Fund Organization.	The State of Punjab and Union Territory of Chandigarh.
14.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Himachal Pradesh Region of the Employees' Provident Fund Organization.	The State of Himachal Pradesh.

1	2	3
15.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Rajasthan Region of the Employees' Provident Fund Organization.	The State of Rajasthan.
16.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Tamil Nadu Region of the Employees' Provident Fund Organization.	The State of Tamil Nadu and the Union Territory of Puducherry except Yanam and Mahe areas.
17.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Uttar Pradesh Region of the Employees' Provident Fund Organization.	The State of Uttar Pradesh.
18.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in West Bengal Region of the Employees' Provident Fund Organization.	The State of West Bengal and Union Territory of Andaman and Nicobar Islands and the State of Sikkim.
19.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Uttarakhand Region of the Employees' Provident Fund Organization.	The State of Uttarakhand.
20.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working Jharkhand Region of the Employees' Provident Fund Organization.	The State of Jharkhand.
21.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Chhattisgarh Region of the Employees' Provident Fund Organization.	The State of Chhattisgarh.
22.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Telangana Region of the Employees' Provident Fund Organization.	The State of Telangana.*
23.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners at head office of the Employees' Provident Fund Organization.	The whole of India except the State of Jammu and Kashmir.

* w.e.f. 02.06.2014.

[No. S-35012/03/2008-SS-II]
SUBHASH KUMAR, Under Secy.

नई दिल्ली, 26 मार्च, 2015

का.आ. 628.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 14ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में जारी की गई भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सं का० 1553, तारीख 17 अप्रैल, 2002 को अधिक्रांत करते हुए, उक्त अधिनियम उपबंधों के अधीन आने वाले कारखानों/स्थापनों के संबंध में नीचे उल्लिखित उक्त अनुसूची के स्तम्भ (3) में उल्लिखित संबंधित क्षेत्रों के लिए अनुसूची के स्तंभ (2) में उल्लिखित अधिकारियों को उक्त अधिनियम के अधीन शासित के रूप में ऐसे नुकसानियों को नियोजकों से वसूल करने की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

अनुसूची

क्रम सं०	अधिकारी का पदनाम	ऐसे क्षेत्र के संबंध में जिसके क्षेत्राधिकार में उपयोग किया जाना है	(3)
(1)	(2)		
1.	कर्मचारी भविष्य-निधि संगठन के मुख्य कार्यालय के केन्द्रीय भविष्य-निधि अपर आयुक्त	जम्मू-कश्मीर राज्य के सिवाय संपूर्ण भारत	
2.	कर्मचारी भविष्य-निधि संगठन के कारपोरेट मुख्यालय में प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	जम्मू- कश्मीर राज्य के सिवाय संपूर्ण भारत	

(1)	(2)	(3)
3.	आंध्र प्रदेश क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	आंध्र प्रदेश राज्य और पुडुचेरी संघ राज्य क्षेत्र में यनम का क्षेत्र
4.	बिहार क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त भविष्य-निधि/ सहायक आयुक्त	बिहार राज्य
5.	कर्मचारी भविष्य-निधि संगठन के छत्तीसगढ़ क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/सहायक भविष्य-निधि आयुक्त	छत्तीसगढ़ राज्य
6.	दिल्ली क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	राष्ट्रीय राजधानी राज्यक्षेत्र दिल्ली
7.	कर्मचारी भविष्य-निधि संगठन के गोवा क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/सहायक भविष्य-निधि आयुक्त	गोवा राज्य
8.	गुजरात क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	गुजरात राज्य तथा संघ राज्य क्षेत्र दादरा और नागर हवेली तथा दमण और दीव
9.	हरियाणा क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	हरियाणा राज्य
10.	हिमाचल प्रदेश क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	हिमाचल प्रदेश राज्य
11.	झारखण्ड क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	झारखण्ड राज्य
12.	कर्नाटक क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	कर्नाटक राज्य
13.	केरल क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	केरल राज्य तथा संघ राज्य क्षेत्र पुडुचेरी में माहे का क्षेत्र
14.	मध्य प्रदेश क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	मध्य प्रदेश राज्य
15.	कर्मचारी भविष्य-निधि संगठन के महाराष्ट्र क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	महाराष्ट्र राज्य
16.	पूर्वोत्तर क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	असम, नागालैंड, मणिपुर, मेघालय, अरुणाचल प्रदेश, मजोरम और त्रिपुरा राज्य
17.	कर्मचारी भविष्य-निधि संगठन के ओडिशा क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	ओडिशा राज्य
18.	कर्मचारी भविष्य-निधि संगठन के पंजाब क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/सहायक भविष्य-निधि आयुक्त	पंजाब राज्य तथा चंडीगढ़ संघ राज्यक्षेत्र
19.	राजस्थान क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	राजस्थान राज्य
20.	तमिलनाडु क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	तमिलनाडु राज्य तथा पुडुचेरी संघ राज्यक्षेत्र के यनम और माहे के क्षेत्र के सिवाय
21.	उत्तराखण्ड क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	उत्तराखण्ड राज्य
22.	उत्तर प्रदेश क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	उत्तर प्रदेश राज्य

(1)	(2)	(3)
23.	पश्चिमी बंगाल क्षेत्र में कर्मचारी भविष्य-निधि संगठन के कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/भविष्य-निधि सहायक आयुक्त	पश्चिमी बंगाल और सिक्किम राज्य तथा अंडमान और निकोबार द्वीप समूह संघ राज्य क्षेत्र
24.	कर्मचारी भविष्य-निधि संगठन के तेलंगाना क्षेत्र में कार्यरत प्रादेशिक भविष्य-निधि आयुक्त/सहायक भविष्य-निधि आयुक्त	तेलंगाना राज्य*

* 02.06.2014 से प्रभावी

[सं. एस-35012/03/2008-एसएस-II]
सुभाष कुमार, अवर सचिव

New Delhi, the 26th March, 2015

S.O. 628.—In exercise of the powers conferred by section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment, number S.O. 1553 dated the 17th April, 2002, issued in this regard, the Central Government hereby authorizes the officers mentioned in column (2) of the Schedule mentioned below to exercise the powers to recover from the employers by way of penalty such damages under the said Act for the respective areas mentioned in column (3) of the said Schedule in relation to factories/establishments covered under the provisions of said Act.

SCHEDULE

S. No.	Designation of the Officer	Area in relation to which jurisdiction to be exercised.
(1)	(2)	(3)
1.	Additional Central Provident Fund Commissioners, Head Office, Employees' Provident Fund Organisation.	The whole of India except the state of Jammu and Kashmir.
2.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners at Corporate Headquarters of Employees' Provident Fund Organization.	The whole of India except the State of Jammu and Kashmir.
3.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners working in Andhra Pradesh region of the Employees' Provident Fund Organization.	The State of Andhra Pradesh and the area of Yanam in the Union territory of Puducherry.
4.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners working in Bihar region of the Employees' Provident Fund Organization.	The State of Bihar.
5.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners working in Chhattisgarh region of the Employees' Provident Fund Organization.	The State of Chhattisgarh.
6.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners working in Delhi region of the Employees' Provident Fund Organization.	National Capital Territory of Delhi.
7.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Goa region of the Employees' Provident Fund Organization.	The State of Goa
8.	Regional Provident Fund Commissioner/Assistant Provident Fund Commissioners working in Gujarat region of the Employees' Provident Fund Organization.	The State of Gujarat and Union Territories of Dadra and Nagar Haveli and Daman and Diu
9.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Haryana region of the Employees' Provident Fund Organization.	The State of Haryana.
10.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Himachal Pradesh region of the Employees' Provident Fund Organization.	The State of Himachal Pradesh.
11.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners working in Jharkhand region of the Employees' Provident Fund Organization.	The State of Jharkhand.

(1)	(2)	(3)
12.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners working in Karnataka region of the Employees' Provident Fund Organization.	The State of Karnataka
13.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Kerala region of the Employees, ' Provident Fund Organization.	The state of Kerala and Union Territories of Lakshadweep and the area of Mahe of Union Territory of Puducherry
14.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Madhya Pradesh region of the Employees' Provident Fund Organization.	The State of Madhya Pradesh
15.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Maharashtra region of the Employees' Provident Fund Organization.	The State of Maharashtra
16.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in North Eastern region of the Employees' Provident Fund Organization.	The State of Assam, Nagaland, Manipur, Meghalaya, Arunachal Pradesh, Mizoram and Tripura.
17.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Odisha region of the Employees' Provident Fund Organization.	The State of Odisha.
18.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners working in Punjab region of the Employees' Provident Fund Organization.	The State of Punjab and Union Territory of Chandigarh.
19.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Rajasthan region of the Employees' Provident Fund Organization.	The State of Rajasthan.
20.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Tamil Nadu region of the Employees' Provident Fund Organization.	The State of Tamil Nadu and the Union Territory of Puducherry except Mahe and Yanam areas.
21.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Uttarakhand region of the Employees' Provident Fund Organization.	The State of Uttarakhand.
22.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Uttar Pradesh region of the Employees' Provident Fund Organization.	The State of Uttar Pradesh.
23.	Regional Provident Fund Commissioners /Assistant Provident Fund Commissioners working in West Bengal region of the Employees' Provident Fund Organization.	The State of West Bengal and Sikkim and Union Territory of Andaman and Nicobar Islands
24.	Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Telangana region of the Employees' Provident Fund Organization.	The State of Telangana*.

*w.e.f. 02.06.2014

[No. S-35012/03/2008-SS-II]

SUBHASH KUMAR, Under Secy.

नई दिल्ली, 26 मार्च, 2015

का.आ. 629.—केन्द्रीय सरकार, कर्मचारी भविष्य-निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सं० का०आ० 1913, तारीख 20 जून, 2009 को, उन बातों के सिवाय उन अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है केन्द्रीय सरकार के या उसके नियंत्रण के अधीन किसी स्थापन के संबंध में या किसी रेल कंपनी, महापत्तन, खान, तेल-क्षेत्र या नियंत्रित उद्योग से संसक्त स्थापन के संबंध में या एक से अधिक राज्यों में विभाग या शाखाओं वाले किसी स्थापन के संबंध में उक्त अधिनियम या उसके अधीन विरचित स्कीमों के प्रयोजन के लिए नीचे की सारणी के स्तंभ (4) में विनिर्दिष्ट क्षेत्र के लिए उक्त सारणी के स्तंभ (3) में विनिर्दिष्ट कार्यालय में स्तंभ (2) में विनिर्दिष्ट पदधारी अधिकारियों को निरीक्षक नियुक्त करती है, अर्थात्:-

क्रम सं.	अधिकारी	कार्यालय	क्षेत्र
(1)	(2)	(3)	(4)
1.	(i) केन्द्रीय भविष्य-निधि आयुक्त (ii) केन्द्रीय भविष्य-निधि अपर आयुक्त (अनुपालन) (iii) प्रादेशिक भविष्य-निधि आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन, मुख्य कार्यालय, नई दिल्ली	जम्मू-कश्मीर राज्य के सिवाय संपूर्ण भारत
2.	(i) अपर केन्द्रीय भविष्य-निधि आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, हैदराबाद	आंध्र प्रदेश, तेलंगाना, ओडिशा राज्य और संघ क्षेत्र पुडुचेरी का यनम क्षेत्र
3.	(i) अपर केन्द्रीय भविष्य-निधि आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, दिल्ली	राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली और उत्तराखण्ड राज्य
4.	(i) अपर केन्द्रीय भविष्य-निधि आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, मुम्बई	महाराष्ट्र और छत्तीसगढ़ राज्य
5.	(i) केन्द्रीय भविष्य-निधि अपर आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, अहमदाबाद	गुजरात, मध्य प्रदेश राज्य और दमण और दीव तथा दादरा और नागर हवेली संघ राज्य क्षेत्र
6.	(i) अपर केन्द्रीय भविष्य-निधि आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, फरीदाबाद	हरियाणा और राजस्थान राज्य
7.	(i) अपर केन्द्रीय भविष्य-निधि आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, बंगलौर	कर्नाटक और गोवा राज्य
8.	(i) केन्द्रीय भविष्य-निधि अपर आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, चंडीगढ़	पंजाब, हिमाचल प्रदेश राज्य और संघ राज्य क्षेत्र चंडीगढ़
9.	(i) केन्द्रीय भविष्य-निधि अपर आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, चेन्नई	तमिलनाडु, केरल राज्य और यनम क्षेत्र से सिवाय लक्ष्मीप, पुडुचेरी संघ राज्य क्षेत्र

(1)	(2)	(3)	(4)
10.	(i) केन्द्रीय भविष्य-निधि अपर आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, कानपुर	उत्तर प्रदेश और बिहार राज्य
11.	(i) केन्द्रीय भविष्य-निधि अपर आयुक्त (ii) प्रादेशिक भविष्य-निधि आयुक्त (iii) भविष्य-निधि सहायक आयुक्त (iv) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का जोनल कार्यालय, कोलकाता	पश्चिमी बंगाल, झारखण्ड, असम, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मेघालय, मिजोरम, त्रिपुरा, सिक्किम राज्य तथा अंदमान और निकोबार द्वीप समूह संघ राज्य क्षेत्र
12.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	कर्मचारी भविष्य-निधि संगठन का प्रादेशिक / उप-कार्यालय, राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली	राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली
13.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	आंध्र प्रदेश राज्य और पुडुचेरी संघ राज्य क्षेत्र का यनम क्षेत्र	आंध्र प्रदेश राज्य और पुडुचेरी संघ राज्य क्षेत्र का यनम क्षेत्र
14.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	असम, अरुणालय प्रदेश, नागालैंड, मणिपुर, मेघालय, मिजोरम और त्रिपुरा राज्यों में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	असम, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मेघालय मिजोरम और त्रिपुरा राज्य
15.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	बिहार राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	बिहार राज्य
16.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	छत्तीसगढ़ राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक / उप-प्रादेशिक कार्यालय	छत्तीसगढ़ राज्य
17.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	गोवा राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	गोवा राज्य
18.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) सहायक भविष्य-निधि आयुक्त (iii) प्रवर्तन अधिकारी	गुजरात राज्य और दमण और दीव तथा दादरा और नागर हवेली संघ राज्य क्षेत्र में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	गुजरात राज्य और दमण और दीव तथा दादरा और नागर हवेली संघ राज्य क्षेत्र
19.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	हरियाणा राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	हरियाणा राज्य

(1)	(2)	(3)	(4)
20.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	हिमाचल प्रदेश राज्य कर्मचारी भविष्य निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	हिमाचल प्रदेश
21.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	झारखण्ड राज्य में कर्मचारी भविष्य निधि संगठन के प्रादेशिक / उप-प्रादेशिक कार्यालय	झारखण्ड राज्य
22.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	कर्नाटक राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/ उप-प्रादेशिक कार्यालय	कर्नाटक राज्य
23.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	केरल राज्य, लक्ष्मीप संघ राज्य क्षेत्र और एवं पुडुचेरी संघ राज्य क्षेत्र में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/ उप- प्रादेशिक कार्यालय	केरल राज्य, लक्ष्मीप संघ राज्य क्षेत्र और पुडुचेरी संघ राज्य क्षेत्र का माहे क्षेत्र
24.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	मध्य प्रदेश राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप- प्रादेशिक कार्यालय	मध्य प्रदेश राज्य
25.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	महाराष्ट्र राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक उप-प्रादेशिक कार्यालय	महाराष्ट्र राज्य
26.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	ओडिशा राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	ओडिशा राज्य
27.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	पंजाब राज्य और चंडीगढ़ संघ राज्य क्षेत्र में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	पंजाब राज्य और चंडीगढ़ संघ राज्य क्षेत्र
28.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	राजस्थान राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप- प्रादेशिक कार्यालय	राजस्थान राज्य
29.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	तमिलनाडु राज्य तथा माहे और यनम क्षेत्रों को छोड़कर पुडुचेरी संघ राज्य क्षेत्र में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक-उप-प्रादेशिक कार्यालय	तमिलनाडु राज्य तथा माहे और यनम क्षेत्रों के सिवाय पुडुचेरी संघ राज्य क्षेत्र
30.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	उत्तराखण्ड राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप-प्रादेशिक कार्यालय	उत्तराखण्ड राज्य
31.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	उत्तर प्रदेश राज्य में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/उप- प्रादेशिक कार्यालय	उत्तर प्रदेश राज्य

(1)	(2)	(3)	(4)
32.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	सिक्किम, पश्चिमी बंगाल अंदमान और निकोबार द्वीप समूह संघ राज्यक्षेत्र में कर्मचारी भविष्य-निधि संगठन के प्रादेशिक/ उप-प्रादेशिक कार्यालय	सिक्किम, पश्चिमी बंगाल राज्यों तथा राज्यों तथा अंदमान और निकोबार द्वीप समूह संघ राज्यक्षेत्र
33.	(i) प्रादेशिक भविष्य-निधि आयुक्त (ii) भविष्य-निधि सहायक आयुक्त (iii) प्रवर्तन अधिकारी	तेलंगाना राज्य में कर्मचारी भविष्य- निधि संगठन के प्रादेशिक/उप- प्रादेशिक कार्यालय	तेलंगाना राज्य*

*02.06.2014 से प्रभावी

[सं. एस-35012/03/2008-एसएस-II]
सुभाष कुमार, अवर सचिव

New Delhi, the 26th March, 2015

S.O. 629.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment number S.O. 1913 dated the 30th June, 2009, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers holding the posts specified in column (2) of the table below in the office specified in column (3) of the said table to be Inspectors for the area specified in column (4) thereof, for the purposes of the said Act and the Schemes framed there under in relation to any establishment belonging to, or under the control of the Central Government or in relation to an establishment connected with a railway company, a major-port, a mine or an oil-field or a controlled industry or in relation to an establishment having departments or branches in more than one State, namely:—

S. No.	Officers	Office	Area
(1)	(2)	(3)	(4)
1.	(i) Central Provident Fund Commissioner (ii) Additional Central Provident Fund Commissioner (Compliance) (iii) Regional Provident Commissioners (iv) Enforcement Officers	Employees' Provident Fund Organisation, Head Office, New Delhi.	Whole of India except the State of Jammu and Kashmir.
2.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Hyderabad .	The States of Andhra Pradesh, Telangana, Odisha and the Yanam area of the Union Territory and Puducherry.
3.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Delhi.	The National Capital Territory of Delhi and the State of Uttarakhand.
4.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Mumbai	The States of Maharashtra and Chhattisgarh.
5.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Ahmedabad.	The States of Gujarat, Madhya Pradesh, and Union Territories of Daman and Diu and Dadra and Nagar Haveli.
6.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Faridabad.	The States of Haryana and Rajasthan.

(1)	(2)	(3)	(4)
7.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Bangalore.	The States of Karnataka and Goa.
8.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Chandigarh.	The States of Punjab, Himachal Pradesh and the Union Territory of Chandigarh.
9.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Chennai.	The States of Tamil Nadu, Kerala, and Union Territories of Lakshadweep, Puducherry except Yanam area.
10.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Kanpur.	The States of Uttar Pradesh and Bihar.
11.	(i) Additional Central Provident Fund Commissioner (ii) Regional Provident Commissioners (iii) Assistant Provident Fund Commissioners (iv) Enforcement Officers	Zonal Office of Employees' Provident Fund Organisation, Kolkatta.	The States of West Bengal, Jharkhand, Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram, Tripura, Sikkim and Union Territory of Andaman and Nicobar Islands.
12.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of the National Capital Territory of Delhi.	The National Capital Territory of Delhi.
13.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Andhra Pradesh and the Yanam area of the Union Territory of Puducherry.	The State of Andhra Pradesh and the Yanam area of the Union Territory of Puducherry.
14.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the States of Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram and Tripura.	The States of Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram and Tripura.
15.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Bihar.	The State of Bihar.
16.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Chhattisgarh.	The State of Chhattisgarh.
17.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Goa.	The State of Goa.
18.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Gujarat and Union Territories of Daman and Diu and Dadra and Nagar Haveli.	The State of Gujarat and Union Territories of Daman and Diu and Dadra and Nagar Haveli.

(1)	(2)	(3)	(4)
19.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Haryana.	The State of Haryana.
20.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Himachal Pradesh.	The State of Himachal Pradesh.
21.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Jharkhand.	The State of Jharkhand.
22.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Karnataka.	The State of Karnataka.
23.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Kerala, the Union Territory of Lakshadweep and in the Mahe area of the Union Territory of Puducherry.	The State of Kerala, the Union Territory of Lakshadweep and the Mahe area of the Union Territory of Puducherry.
24.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Madhya Pradesh.	The State of Madhya Pradesh.
25.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Maharashtra.	The State of Maharashtra.
26.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Odisha.	The State of Odisha.
27.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Punjab and Union Territory of Chandigarh.	The State of Punjab and Union Territory of Chandigarh.
28.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Rajasthan.	The State of Rajasthan.
29.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Tamil Nadu and the Union Territory of Puducherry except the Mahe and Yanam areas.	The State of Tamil Nadu and the Union Territory of Puducherry except the Mahe and Yanam areas.
30.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Uttarakhand.	The State of Uttarakhand.

(1)	(2)	(3)	(4)
31.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Uttar Pradesh.	The State of Uttar Pradesh.
32.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the States of Sikkim, West Bengal and Union Territory of Andaman and Nicobar Islands.	The State of Sikkim, West Bengal and Union Territory of Andaman and Nicobar Islands.
33.	(i) Regional Provident Fund Commissioners (ii) Assistant Provident Fund Commissioners (iii) Enforcement Officers	Regional/Sub-Regional Offices of the Employees' Provident Fund Organisation in the State of Telangana.	The State of Telangana*

*w.e.f. 02.06.2014

[No. S-35012/03/2008-SS-II]

SUBHASH KUMAR, Under Secy.